TECHE
UDINE

MANOSCRITTI

FONDO PRINCIPALE

Manoscritto n. **P_MSS_1085**

Nel Fondo Principale sono confluiti la maggior parte dei lasciti manoscritti pervenuti alla Biblioteca Civica «Vincenzo Joppi» nel corso del tempo: si tratta perciò di un fondo composito nel quale è possibile trovare manoscritti di argomento liturgico, scientifico, giuridico, botanico e altro.

Collocazione:

Biblioteca Civica "Vincenzo Joppi", Udine
https://www.techeudine.it/fondo-principale
https://www.sbhu.it/

M.A. Otthelii
Instit. Justin
Comment.

1085

Ad usum Lodovici Ottelij

1677.

Marcus Antonius Ottelius

frater eius

1683

13 Augusti mensis

Adami Lodovici Ottelij

1678

PROEMIUM

In Institutiones Justiniani Imperatoris

Cum D. noster hic tractaturus sit de legibus, nam ius quo ut hic usurpatur est idem quod Lex, ideo videtur aliquid prius dicendum de legibus in generali, et 1° quid sit Ethymologia legis. Aliqui dicunt à ligando eo quod Lex sive sit affirmativa sive praeceptiva sive negativa sive prohibitiva ligat homines, ita Divus Thomas cum aliquibus aliis.

Alii à deligendo quia quod doceat homines quid amplecti et quid vitare debeant, ita placet cum M. Tullio.

Alii à legendo quia Lex semper habenda est ante oculos et saepe mente versanda ad complendum opere id quod praecipit, ita Divus Isidorus cum aliis.

2° quod Lex pluribus nominibus appellatur aliquando ius aliquando constitutio quandoque sanctio ac etiam [illegible] lex nomen [illegible] rigore usurpatur [illegible] legibus municipalibus, [illegible] generalibus.

3.° quod lex generalissimè sumpta dividitur in
legem aeternam, in legem naturalem divinam,
in legem divinam positivam, tandem in legem
humanam quae iterum subdividitur in ecclesias-
ticam et civilem.
Nomine Legis aeternae Theologi intelligunt
quasdam maximas et principia aeternaliter
decreta ad gubernandam et regendam natura
rationali a qua lege procedunt caeterae omnes.
Nomine Legis Naturalis Divinae intelligitur lumen
impressum a Deo naturae rationali quo cog-
noscit id quod est turpe et quod est honestum.
Nomine Legis Divinae positivae veniunt praecepta
contenta in sacra scriptura et maximè
in novo testamento et regulariter necessaria
circa credenda et circa sacramenta.
Nomine Legis Humanae venit illa quae immedi-
atè est ab hominibus et mediatè tantum a
Deo qui dedit hominibus potestatem feren-
di leges: haec autem differentia ver-
titur inter ecclesiasticas et civiles quia
ecclesiasticae primario tendunt ad liber-

pro

[illegible] salutem [illegible] animi [illegible]
[illegible] [illegible] exteriore [illegible] et [illegible]
[illegible] [illegible] quidem [illegible] [illegible] [illegible]
[illegible] [illegible] et licet [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] vel
[illegible] [illegible] naturalium nec [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible].
4.° [illegible] [illegible] [illegible] inferior non
[illegible] aliquo [illegible] contra superiorem
[illegible] e [illegible] [illegible] [illegible] leges [illegible]
[illegible] [illegible] [illegible] habent [illegible] ex na:
turalis [illegible] [illegible] omnia [illegible] communia om:
nibus. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] exigente negligentia et
malitia hominum [illegible] ius Gentium
[illegible] [illegible] [illegible]. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] lex [illegible] se [illegible] [illegible]
[illegible]
5.° [illegible] [illegible] [illegible] a [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ante [illegible] [illegible] [illegible] [illegible].

tores antecessores, quae in iure vocantur
decreta Principum sive a Rhetoribus et
Praefectis [illegible], quae vocantur Edicta
Praetoria, sive a Senatu quae appellantur
Senatus consulta, sive a Tribunis Plebis
quae Plebiscita nuncupantur, sive tandem
a Juris consultis quae sunt dictae Sententiae
ad easdem [illegible] in quas pluribus libris
curavit ut diversas [illegible] et [illegible]
tates in unum reducerent et sic Codex
Justiniani tandem elaboratus fuit, quem alterum
vocant Digestum vel communiter, ita vulgo
dicit hoc continet decem libros.
Alterum vero vocat Codex cujus ipse
Imperator inseruit novas constitutiones ac
leges quas vocavit Novellas et alio
nomine Authenticas, ex quibus pro faciliori
institutione juvenum quaedam principia sive
eius Elementa extraxit, quas vocavit
Institutiones Juris civilis quae quatuor libros
[illegible] diversitate materiarum continent
et nil nisi velut Institutione, sive ordine.
Primo

[illegible] tempus [illegible] [illegible] autem ius
agit de iure [illegible] [illegible] alium
personas et Dominio in personas et
[illegible] [illegible] [illegible] ius acquiritur in
[illegible] [illegible] [illegible] agit de iure et
Dominio [illegible] ut [illegible] melius [illegible] ex-
plicabit.

6. Sed non omnia de quibus agit [illegible]
[illegible] explicabimus [illegible] [illegible]
[illegible] quae [illegible] sunt magis necessaria
et digna [illegible]. [illegible] enim locis [illegible]
[illegible] aliqua quae [illegible] [illegible] con-
[illegible], [illegible] maxime [illegible]
[illegible] canonibus [illegible] ius Civile.

7. [illegible] huiusmodi leges Imperatore non
observantur [illegible] habent [illegible] ubique [illegible]
[illegible] [illegible] sunt [illegible] [illegible] Hi-
spania Gallia Anglia etc. [illegible]
[illegible] pugnas leges in italia [illegible] sunt
in usum [illegible] [illegible] ubique [illegible]
[illegible] [illegible] [illegible] leges [illegible] sunt.
[illegible] [illegible] [illegible] [illegible] [illegible]

leges in nostris municipales regulariter
contrarietas a supremis principibus quib.
subsunt quibus tandem e in ipsis Christiani
licet taliter decisum sit s. leg. communibus
et alibi melius.

Liber Primus

Titulus Primus

De Iustitia et Iure

Incipit Imperator a Iustitia quae est Virtus volens
dare unicuique suum et comprehendens in sum-
ma generaliter comprehendit in se omnes
alias Virtutes [illegible] quas hic dicit iustus,
[illegible] una [illegible] alteram sed omnes
simul [illegible] collectas conuenire [illegible] ratione
iuxta sententiam Philosophi bonum ex inte-
gra causa malum autem ex singulis def-
ectibus et [illegible] [illegible] [illegible] qui
[illegible] in [illegible] omnium [illegible].
Alia est Virtus specialis de qua hic agit
Imperator [illegible] habet pro obiecto dare
[illegible] [illegible] [illegible] [illegible] respec-
[illegible] obligationem habet [illegible]
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ut amet et colat tanquam Auctorem omnium bonorum. 2° erga proximum tanquam fratrem et eiusdem naturae et conditionis. 3° erga se ipsum quia non id quod libet sed id quod decet facere tenetur. debet enim in omnibus sequi dictamen rationis tanquam regulam sibi a Deo praefixam in omnibus suis operibus non appetitum sensitivum quia aliter non differret a beluis quae sequuntur solum instinctum naturae.

Deffinitio iustitiae est ut sit constans et perpetua voluntas ius suum unicuique tribuendi quae deffinitio non solum convenit iustitiae commutativae quae habet pro obiecto contractus et alia [illegible] privatas personas sed etiam distributivae quae versatur in [illegible] publicis [illegible] [illegible] tribuendum subditis [illegible] et honores aequalitate geometrica [illegible] proportionalitate [illegible] arithmetica.

Omnis motus [illegible] in [illegible] deffinitio [illegible]
[illegible] et boni [illegible] [illegible] [illegible] prudentia

Unde scientia Legum quae definitur divinarum
humanarum rerum notitia, iusti ac iniusti
scientia. Divinarum autem rerum divinarum non
quod doceat res divinas quae spectant ad illam
Theologiam, sed quia ipsa etiam quae ad Deum
et divinum pertinent tenendum ac honorem, tam
circa res ac personas Ecclesiasticas.
Praeceptum huius scientiae secundum mentem Impe-
ratoris nostri honeste vivere, alterum non
laedere, et ius suum unicuique tribuere. Divus
autem honeste vivit qui recta ratione
incipit omnes negotia alteros cum addendo
Est alia ratio, quia vivit recte Dominus
principalis, et membrorum una infra doctrina.
Non immoror in explicandis particulis huius
definitionis, quia haec facile videri possunt
apud Doctores.
Dividitur ius in publicum, quod pertinet ad statum
publicum et 2° ac privatum singulorum et
in tres privati, 1° quod tendit in utilitatem singu-
lorum et 2° ... Scti
Titulus Secundus

De triplici Iure Naturali scilicet Gentium, et Civili.

Dictū ē supra [illegible] religione [illegible]
ne [illegible] Naturalis nunc videndū ē quo
modo illud [illegible] [illegible]
vent, ius Naturale [illegible] 1.ann et 2 ann [illegible]
intellexerat [illegible] [illegible] et [illegible]
[illegible] [illegible] singulis rebus. Et tanc
[illegible] vocant [illegible] naturalem semper [illegible]
[illegible] [illegible] conveniens est et [illegible]
re [illegible] [illegible] [illegible] [illegible]
[illegible] de [illegible] et [illegible] [illegible] et [illegible]
res [illegible] a suo [illegible] [illegible] [illegible]
[illegible] [illegible] ius Naturale [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] 2 [illegible]
hoc et tale Natura [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] vocant [illegible] naturalis. [illegible]

rationē uxorum. Singuli inclinat ad solitudinem
et nutritionem prolis genitae donec indigeat iis
coniungendis. [illegible] belluis natura ad hoc eas
inclinavit. [illegible] amor tamen multo in hominibus
longius durabat usque ad mortem et etiam
diu longo tempore indigeant parentibus.
Ex hoc sequitur et hac de causa institutum est matri-
monium inter unum et unam natura ipsa hoc dic-
tante et sic prohibita sunt commercia carnalia
[illegible] et incerta quia sic exaudit cura
prolis. Ob hanc etiam causam statuta est in-
dissolubilitas matrimonii et prohibita polygamia
id est pluralitas uxorum: quod clarius tamen etiam
a quibusdam animalibus ut columbis turturis etc.
Hinc Imperator nuper egit de matrimonio quod
est de iure naturali dum quo ad coniunctionem
maris et feminae: de iure divino quo ad unita-
tionem et modum ad unum [illegible] vero ad con-
servandum utrique: ideo matrimonium pertinet
etiam iure commune: De iure civili quoad
formam quod prohibet [illegible] contrahendi et aliqu-

ordinat circa ea, ut videbimus in tractatu de Nuptijs.

In hoc iure Naturali aliqua erat obligatio...
...
Ius Civile ...

angling [illegible] familie erciscunde.
Hec [illegible] Obligatio filius alieni habet aliquas limi-
tationes [illegible] quando filius est dives [illegible] habet
aliquod [illegible] ex quo possit se [illegible].
[illegible] [illegible] [illegible] 2a quando filius fuit
ingratus [illegible] [illegible] [illegible] [illegible] Pater
filium posset exheredare [illegible] [illegible] [illegible]
[illegible] ibidem. Ratio est [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] naturæ.
[illegible] [illegible] eadem mater [illegible] huiusmodi alimenta
[illegible] quando filius [illegible] habet Patrem [illegible] Pauper
[illegible] [illegible] [illegible] [illegible] ex ipsa [illegible]. ita
[illegible] [illegible] l. Pater [illegible] [illegible] [illegible]. 2o.
[illegible] [illegible] [illegible] [illegible] inter [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] casu mater [illegible]
alere filium usque [illegible] [illegible] [illegible] [illegible] [illegible]
quo [illegible] [illegible] [illegible] Pater [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]. ita l. [illegible]
filium [illegible] [illegible] [illegible] [illegible].
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
ita [illegible] [illegible] alienis [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] sanctus [illegible] et mens [illegible]
[illegible] esse [illegible] ab imperatore extendi ac
[illegible] [illegible] et [illegible] in [illegible]
[illegible] in [illegible].

[illegible] quoque [illegible] tenet [illegible]
[illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible]. [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible]
[illegible].

[illegible] Titulo § [illegible]
autem Gentium.

In hoc § agit imperator de iure Gentium
quod dividit in [illegible] [illegible]
naturali [illegible] [illegible] ab eo distin-
guit [illegible] [illegible] [illegible]
ex naturali [illegible] tanquam conclusione
ex primis principiis [illegible] [illegible]
ex usu et consuetudine [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible].

Hoc [illegible]

Fines Ius Gentium aliquando addit Iuri Naturali
nihil̄ã vincendo dominia rerum aliquando vero
idem detrahere ut in divisione rerum. In senten-
tiis ki modo tu supradicto, nam Ius
Naturale non ponit ordinationis suas Gen-
tium. Aliquando etiam in fine Ius Gen-
tium confundit ius Naturali et pro eo accip.
Effectus huius Iuris Gentium sunt secundum mea
(1). infra posita. 1.us est religio erga Deum
2.us pietas erga Parentes nam filio per-
sona Patris semper videri debet sancta et
inviata l. iberto de obsequiis liberti. 3.us
est verus erga Patriam, que etiam anteponen-
dus est pietati erga Parentes ita ut si is
sit aliquando contra Patriam in defensione
Patriae vero debet si Pater sit hosti
Patriae et ille nutu ita l. minime ff de
religione et sumptu funerum.
4.us effectus est bellorum inductio et inductio ex
ex hac Iure ff de Iustitia et Iure. Bellum
autem inducitur ... quo una utrumque
eos materi ... principe ingenuo a

no destruendus (?) [illegible] fuit ab alio [illegible] non est causa
dare inquisitionis.

Aliud dubium est utrum Rebellis [illegible] a per-
sona vel a communitate [illegible] [illegible] ag-
nitate [illegible] [illegible] liceat esse [illegible]
[illegible] conditionibus [illegible] communiter concedit a
doctoribus [illegible] [illegible] fit a minoris po-
nis et hoc est licita et [illegible] [illegible] [illegible]
ex [illegible] [illegible] [illegible] [illegible] hoc [illegible]
[illegible] licitum [illegible] unico cum [illegible] [illegible]
[illegible] [illegible] si fiat [illegible] [illegible]
[illegible] [illegible] qui est [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
est ad propriam defensionem et [illegible] [illegible]
[illegible] [illegible] esse licitum [illegible] [illegible]
[illegible] sicut [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ita [illegible] et [illegible] hoc [illegible]
[illegible] [illegible] [illegible] concedunt omnes
[illegible] [illegible] [illegible]

Et quia autem defensio non solum est licita [illegible]
[illegible] [illegible] [illegible] honoris [illegible] [illegible]
[illegible] conservatione [illegible] [illegible] [illegible] [illegible]

etiam in [illegible] ut eandem maiorem [illegible]
impune [illegible] aliquis ex l. p.a [illegible]
e. p.a [illegible] l. permittente [illegible]
ita l. [illegible] [illegible]
tenijs immo tam [illegible] ad impune [illegible]
[illegible] illi, qui hoc modo [illegible]
lat, [illegible] [illegible] sit [illegible]
ius

Circa hoc advertamus aliquos esse [illegible]
ta Doctrinam Oinotomi et aliorum [illegible]
bus immo etiam fere 2.dus Thomistas, 1.o qd
[illegible] ad [illegible] Caietanus 2.do [illegible]
[illegible] atque [illegible]
paratum ad malum inferendum [illegible]
[illegible]

2.do [illegible] [illegible]
lis aut militaris [illegible]
sit huiusmodi [illegible] Theologi [illegible]
qd [illegible] huiusmodi [illegible]
[illegible] aliud [illegible] ad hoc ut pos-
[illegible]

3.io [illegible] sententia qd [illegible]

causa tuendi honoris et existimationis aut pecuniae repetendae [illegible]

Idem si hoc fecit incontinenti [illegible] eodem [illegible] [illegible] eodem tempore [illegible] si post aliquod tempus vel alia occasione id fecit repulsam potius vindictam quam defensionis [illegible] vindicta prohibita [illegible] [illegible] Civili ut alibi dictum.

4\. [illegible] pecuniis [illegible] multo magis repellenda [illegible] causa conservandae pecuniae [illegible] dubio [illegible] pecuniae [illegible] nullo [illegible] [illegible] [illegible] [illegible] id [illegible] [illegible] defensionis et [illegible] causa nova [illegible] ratio est quia [illegible] semper [illegible] vide [illegible] l. ex delicto § tabernarius ff ad legem Aquiliam.

5\. [illegible] [illegible] quis [illegible] et [illegible] [illegible] [illegible] annis aut [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quae post [illegible] [illegible]

ut Jure Longob. omnia fere bona habe-
rent quidem Feudal. [illegible] concessibile.

Ind. [illegible] ille elegit medianam munfgure [illegible]
[illegible] in et defendendo Curias quibus [illegible]
[illegible] a exactis ab irregularitatibus [illegible]
[illegible].

Praeter hoc: omnium effectus Juris Feudalis
aliquem [illegible] quorum [illegible]
[illegible] introducta fuit ex [illegible] Jure
in [illegible] [illegible] videt [illegible]
ad [illegible] et [illegible]
habere ita l. et hoc [illegible].

2.us [illegible] hos
[illegible] hoc [illegible]
nia et [illegible] quilibet [illegible]
[illegible] propria [illegible]
aliena particularia [illegible]
[illegible].

Cj. [illegible] omnium [illegible]
qui erat [illegible] aliquis [illegible]
a [illegible] ita
l. eand.

1.us Observatio Pactorum, quia nihil tam fidei humanae congruit quam ea quae inter eos placuerunt servare [illegible]. [illegible] [illegible] pactis [illegible] [illegible] fides servanda sit etiam hosti.

2.us [illegible] [illegible] [illegible] [illegible] publicorum, ita ut [illegible] liceat illis aliud [illegible] inferre [illegible] [illegible] [illegible] [illegible] et defensionem, ita [illegible] capite [illegible] [illegible] [illegible] [illegible] [illegible] habuit illud [illegible] [illegible] Ambasciator [illegible] [illegible] [illegible] Rex David [illegible] [illegible] Regi [illegible] [illegible] [illegible] munus ad ipsum misso.

Vide Titulo [illegible] [illegible] [illegible]

Civile

Cum [illegible] superioribus [illegible] [illegible] [illegible] de Jure [illegible] [illegible] [illegible] [illegible] tractare de Jure Civili [illegible] [illegible] [illegible] [illegible].

P.[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Tertia pars est ius Publicum cuius contrarie
vocatur lex, quae definitur sententia [illegible] à
Magistratu [illegible] praecipiens honesta et prohi-
bens turpia [illegible] Pol. 2° ff de leg.
Quam legem debere esse honestam, idem praecipue
[illegible] quia nemo [illegible] [illegible] debet [illegible]
[illegible] [illegible] [illegible] et [illegible]
[illegible] plus [illegible] hominum [illegible]
Item debere esse possibilis, non solum naturae
[illegible] [illegible] mores, idem [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] naturae humanae et [illegible] [illegible]
[illegible] occasionem transgressioni et sic [illegible]
utilis [illegible] [illegible] [illegible] conditio et quidem
[illegible] [illegible] lex debeat habere.

Finis legis civilis est conservare humanam socie-
tatem ad hoc ut quilibet possit pacifice vivi-
re [illegible] sub sua ficu ut ait [illegible]
Et ob hanc causam praecipue prohibentur et
[illegible] ea delicta [illegible] [illegible] tollere
[illegible] et societatem [illegible] alia delicta prohi-
bentur à lege divina, ut scortatio fornicatio

Sunt etiam aliqua delicta, quae licet sint con-
traria pacti et societati tamen permittuntur
legibus: communiter a lege ad vitanda maiora
scandala, ut exemplo adulterium [illegible] uxoris
[illegible] [illegible] criminum adulterii.
[illegible] dividitur. Lex Principis in generalem quae ad
omnes spectat et specialem quae ad privatas perso-
nas et alio nomine vocatur privilegium, quasi
lex privatorum, vel excedit illos [illegible].
Et additur ad ius Principis aliquo nomine
vocatur statutum vel ius municipale quod est
proprium alicuius Civitatis vel communitatis
[illegible] superioris de quo infra [illegible]
[illegible] specialiter sunt notanda.
1° quod regulariter omnis Populus vel Civitas
vel communitas possunt facere huiusmodi
statuta pro bono regimine illius loci cum li-
centia et de approbatione superioris Principis
quae statuta servanda sunt in Causis indi-
candis a Iudicibus illius loci etiamsi lex
[illegible] [illegible] contrarium statuerit.
2° quod collegia mercatorum [illegible] [illegible].

possunt condere huiusmodi statuta, quae non
super inferiorem illorum obligant tamen solos suos
illius collegii absque ullo praeiudicio alte-
rius. possunt aliqui tamen eodem modo collegii
universitatis societas hominum ac etiam illis qui
habent aliquam auctoritatem praecipiendi communi-
tatibus aliis ut magister in discipulos
possunt condere aliquas leges obligantes
subditos.

Quod attinet ad ius non scriptum idem communiter
circa eius habentur apud DD.

Dico consuetudo legitime introducta habet
vim introducendi legem, sicut etiam ab-
rogandi, declarandi et interpretandi legem iuxta
illud Augustini. Consuetudo est optima legum
interpres. Potest enim abrogare vel annu-
lare legem vel in toto vel in parte vel spe-
cialiter si consuetudo sit generalis vel in
speciali si solum vigeat in aliquo loco,
ut consuetudo edendi ova et lacticinia
in quadragesima in comitatu Geritensi
contra canones. [illegible]

2.us q^d illi solum qui possunt statuta
condere possunt etiam consuetudinem ob-
ligantem inducere et debet esse totius com-
munitatis perfectae populi, in^d n. sufficit
consensus aliquorum tantum sufficit tamen
tacitus consensus caeterorum, ita dicitur l.
de quib. Neq; ad hoc requiritur scientia
vel consensus superioris, sed ipse dicitur lex
hoc concedit cuilibet Populo si tamen dig-
nemus. Princeps vel l. prohibeat intro-
duci consuetudinem in contrarium, quia
in tali casu non valet abrogare eam.
Hoc tamen non caret difficultate nec desunt
Summistae qui contrarium docent [illegible]
admittunt [illegible] conditiones requisitae ad
legem et maxime quod consuetudo est
temporis immemorialis.
3.us q^d ad Consuetudinem legitime introducen-
dam plures conditiones requiruntur: scilicet
P.^o q^d sit rationabilis, nec sit contra bo-
nos mores nec aetati [illegible] praebeat
[illegible] aliquam [illegible] concupiscentiae, quia con:

mittendo.

2.a quod sit possessio et continuata per tempus hoc: ad hoc ut in iure cons. longa et continuata sit contra ius civile, nisi tamen contra ius canonicum requiritur quadraginta annorum. tamen contra ea quae sunt reservata Principi in signum supremi dominii quae communiter vocantur Regalia, ut sunt legitimatio spuriorum, impositio vectigalium etc. Sunt qui dicunt requiri ut sit praescriptio tempore cuius initii memoria non extat, quod tempus requiritur propter ius Principis ut alibi diximus, ita Covarr. Suarez quibusdam de legibus significationibus.

3.a quod adsit singularis actio vel intentio vel collegii constanter intendentis et consensus totius populi qui actus si non extra judiciales sufficiunt ad obligationem et quod fiat actus animo se obligandi. Saltem laicis vero animo se eximendi a tali obligatione nam hoc non differt quod ad obligationem sufficit quod fiant ex mera libertate

animo se obligandi nisi contrarium constet aut in abrogationis praesumptio sunt [illegible] fidei sufficient animo se redimendi ab obligatione.

4.º Ad concludendo nullo modo potest introduci consuetudo Iuris Divini, vel naturalis abrogans in toto vel in parte, vel etiam declaratoria ipsius.

Titulus Tertius
De Iure Personarum.

Cum in Institutionibus egit Iustinianus de iure et de modo illud introducendi; in hoc titulo agere incipit de iure quod competit personis et de modo illud acquirendi, et in hoc continetur totus liber primus; in 2.º lib. agit de iure in re et de modo [illegible]; in 3.º lib. agit de obligationibus quae oriuntur vel ex contractu vel ex delicto et sic de ceteris; agit in 4.º vero cum non sufficiat habere illum ius obligandi, agit de actionibus, sive modo cogendi illum ad satisfaciendum suis obligationibus, in quo [illegible] [illegible]

.i.j. totus tractatus [illegible]

De 1° [illegible] [illegible] [illegible] sic [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] libere [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] sub [illegible] alterius
[illegible] [illegible] illis [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] 2° [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] Turcas [illegible] alios [illegible] [illegible]
[illegible] [illegible] aliquos [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] vel liberum.

2° [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] libere [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] Pater [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

heredis et dicte conditionis. [illegible]
[illegible] et [illegible] se liber [illegible] pot [illegible]
[illegible] [illegible] ab [illegible] concessionis [illegible]
[illegible] in [illegible] et tempore melius
[illegible] talem [illegible] monachi [illegible]
[illegible] [illegible] et aliquib. dis-
[illegible].
[illegible] Tituli [illegible] Romam [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] Doctrina
[illegible] [illegible] [illegible]
[illegible] [illegible] dictus titulis.
[illegible] [illegible] [illegible] ad res
[illegible] [illegible] [illegible]
[illegible] [illegible] Judice [illegible]
[illegible] [illegible] publicum modo tempore [illegible]
[illegible]
[illegible] [illegible] concedit [illegible]
[illegible] [illegible] [illegible] vel [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] animus [illegible]
[illegible] exigens ob hac [illegible] [illegible]

[illegible] in ecclesia, vel illa vindicantur [illegible] actiones publicae et [illegible] [illegible] ab ecclesia etiam gravioris [illegible] ab [illegible] damnari in mortem vel in privatione membri.

Titulus [illegible]

De Patria Potestate

Cum [illegible] egit Imperator de [illegible] qui sunt sui iuris [illegible] hoc titulo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et consequenter [illegible] sunt sub familias qui [illegible] sunt sub Patria Potestate.

[illegible] Patria Potestas [illegible] [illegible] et [illegible] descendentes [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] habet originem ex iure [illegible] [illegible] ex civili [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

lxx, qui sunt sui vel alieni iuris.

1us. A complectitur solum Patri ac suos natos ex iustis [illegible] Patri [illegible] [illegible] [illegible] ipsa [illegible] [illegible] sub Patria Potestate [illegible] filij sunt Potestate [illegible] Patris [illegible] ille [illegible] [illegible] habere aliud vel [illegible] Potestate, ita ut [illegible] [illegible] nuptijs ceasa.

2us. A soli descendente ex [illegible] masculina sunt nec Potestate [illegible] [illegible] [illegible] [illegible] [illegible] nati ex iustitio matrimonio vel legitimati [illegible] [illegible] [illegible] [illegible] sunt [illegible] [illegible] [illegible] naturali sunt sub hac potestate [illegible] [illegible] descendentes ex filij [illegible] emancipati sunt tu sub Patria Potestate [illegible] adoptati ordo infra explicando.

[illegible] [illegible] in quo quaestio de legitimatis et [illegible] matrimonium [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] naturales [illegible] [illegible] [illegible] Supremi Pontif. [illegible] vel [illegible] [illegible]

Cᵃ [illegible] legitimationis adiectandum [illegible] Romanu[s] [illegible] legato [illegible] faml: [illegible] [illegible] [illegible] [illegible] [illegible] alii Principes ad [illegible] [illegible].

[illegible] modus legitimationis [illegible] subsequentis [illegible] matrimonii et hoc [illegible] [illegible] [illegible] [illegible] et [illegible] de [illegible].

Legitimatio [illegible] requirit conditiones ad hoc ut [illegible] legitimetur per matrimonium subsequens [illegible] [illegible] et [illegible] [illegible] [illegible] et matre [illegible] [illegible] [illegible] [illegible] nullum erat impedimentum [illegible] [illegible] [illegible] [illegible] matrimonium, [illegible] legitimari [illegible] legitimari [illegible] legitimari [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

vel ē, ubi de hoc constiterit etiam in matrimonio
contractu a constituto in articulo mortis.
1º. Sic autem legitimi habentur hi omnes ac si
essent nati ex legitimo matrimonio, ita ut
utrumque capaces ... et
... ... nati ... in ...
nati ex legitimo matrimonio ...
... legis ... comment ...
... ad ...
2ª. ... illi qui nati sunt ex matrimonio contracto
cum aliquo impedimento dirimente ex quo conjuges
... non legitimi si matrimonium non fuit con-
tractum ... ab Ecclesia ...
... ex conjugibus ... bona ...
... an ... possint ... an
... matrimonium ... aliquo im-
pedimento eos reddit legitimos etiam si uterque
conjugum contraxerit bona fide ignorans
... impedimentum. Certum tamen est circa
hoc ... si ... denunciationes
illi non legitimi ... matrimon... subsequenti
nullo ...

Plures numerantur effectus Patriae Potestatis. 1us

quod Pater possit acquirere filio ita manente

et [illegible] vel [illegible] ob [illegible] singularem lex

[illegible] [illegible] [illegible] officio ibi [illegible]

[illegible] ita 3us [illegible] qui [illegible] hoc

[illegible] non attendunt ad plures [illegible]

[illegible] solebant ad Judices et magistratus

[illegible] delictum et [illegible] [illegible] requirat

[illegible] [illegible] Pater [illegible]

ad Judicem ut eum [illegible] mentem

et Judex omnino [illegible] [illegible] [illegible]

ex legis determinatione.

2us [illegible] [illegible] [illegible] [illegible]

ob causas [illegible] suo loco.

3us [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] vel [illegible] [illegible] [illegible]

ob Patrem [illegible] [illegible] ipso [illegible]

[illegible] ad [illegible] [illegible] [illegible]

Judicem ad [illegible] [illegible] [illegible].

soli competit Patri non vero alteri [illegible]

[illegible] vel Matri.

4us [illegible] filius [illegible] [illegible] [illegible]

[illegible]

sive expressa libertas in Judiciis ob quan-
cumq: causas et animum sub [illegible] [illegible]
sentia auctoris, ut [illegible] ad matre
et eas ceteros [illegible] in bonis S[illegible]
[illegible] et. De [illegible] [illegible], [illegible]
[illegible] iis qui [illegible] filius ex Patris [illegible] plu-
ris contrahi et quasi contrahi [illegible]
[illegible] alia vel ita [illegible] hs nullus [illegible] de [illegible]-
[illegible]..

[illegible] ut [illegible] non possit nisi [illegible]
sine Patris consensu.

Sunt etiam aliqui alii effectus [illegible] molo
[illegible] [illegible], [illegible] [illegible] [illegible] [illegible]
occasione [illegible] [illegible] [illegible] sunt [illegible] bonis
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] familias et [illegible] [illegible] [illegible] bonorum. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] familias [illegible]
[illegible] [illegible] [illegible] et P[illegible] [illegible]
[illegible] [illegible]. Peculium [illegible] [illegible] [illegible].
Pecunia autem [illegible] a [illegible] [illegible] [illegible]
[illegible] [illegible] in [illegible] [illegible] [illegible].
Peculium [illegible] [illegible] [illegible] [illegible]

acquirit in militia vel occasione militiae.

Quasi castrense vocatur illud quod acquirit occa-
sione alicuius officii publici ut studiis Advo-
cati, Notarii, palatii etc. De utroque
hoc peculio plenum dominium et administratio
spectat ad filiosfamilias ac si omnino essent
sui iuris.

Adventitium peculium appellatur illud quod filius-
familias acquirit ex hereditate donatione
legato etc. vel solum ab extraneis personis a
matre et ceteris ascendentibus et descenden-
tibus vel a parte Patris quam matris. quod
peculium quoad proprietatem spectat ad
filium, et quoad usumfructum vel administra-
tionem ad ipsum Patrem, ita ut neque Pater pro
[illegible] [illegible] neque filius sine consensu Patris
possit [illegible] modo alienare [illegible]
[illegible] [illegible] [illegible] et effectus Patriae
Potestatis de qua supra.

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
ex lege [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

ad libitum. Quod bona adventitia recidunt [illegible]
id quod acquirit filiusfamilias exercens datam do-
mum Patris sive recipiens ab eo alimenta, seu
negotiationem ex proprio peculio, vel quaelibet aliquod
artificium.

Profectitium peculium est illud quod acquirit filiusfamilias
negotiando ex peculio sive substantia Patris,
et plus [illegible] spectat ad Patrem ac debet
intelligendum est illud dicendum [illegible] quod ideo acqui-
[illegible] acquirit [illegible] [illegible] [illegible]
non potest praetendere salarium huiusmodi operae
quam praestat Patri negotiando, quod non [illegible]
[illegible] communiter providere possit [illegible]
[illegible] salarium huiusmodi operae [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] post mortem Patris [illegible]
[illegible] divisionem [illegible] fratres [illegible] a princi-
pio habebant [illegible] et [illegible] [illegible]
[illegible] [illegible] talis operae.

Titulus decimus
De [illegible]

Cum Patres possunt filios omnes [illegible] [illegible]

rationé [illegible] matrimonio legitimo [illegible]
[illegible] hoc titulo [illegible] de matrimonio
[illegible] de [illegible] ad illud et [illegible] [illegible]
[illegible] consanguinitatis quam affinitatis ut
[illegible] [illegible] qualis [illegible] conveniens [illegible]
[illegible] [illegible] necessaria [illegible] propter
plures effectus [illegible]
[illegible] [illegible] propter [illegible]
[illegible] [illegible] differentias et [illegible] eos
[illegible] [illegible] propter [illegible]
[illegible] regulariter [illegible]
[illegible] ut [illegible]
[illegible] [illegible] Consanguinei col-
laterales [illegible]
[illegible] [illegible]
[illegible]

In consanguinitate autem [illegible] 3 consideramus
[illegible] [illegible] gradus et lineas.
Definitur autem Consanguinitas [illegible] personarum
ab eodem [illegible] descendentium carnali propa-
gatione contracta. Arbor vero [illegible]
[illegible] variant gradus ab eodem stipite
ortus

ortas quomodo inter se dicantur esse consanguinei. Tandem linea [illegible] collectio in unum a certo capite descendentium personarum continens et computationis distinctas.

Nomine stipitis venit illa persona de qua omnes personae illius cognationis descendunt, notatur nomine arbor ad similitudinem arboris communiter dicitur quod est truncus a quo dimanant rami, itaque truncus est illa persona a qua caeteri descendunt et personae gradus quoque descendentes tanquam ramis.

Porro linea duplex est: recta sive et obliqua sive transversa. Linea recta dicitur illa quae est inter ascendentes et descendentes [illegible] descendunt ab uno et in hac linea transversali numerantur Patruus, et [illegible] fratres Prognatos et [illegible] et [illegible] descendentes [illegible], quia habent [illegible] proprium. In linea autem recta ascendentes sunt pater, illius avus, Pater avus Proavus Abavus etc.

Linea transversa et obliqua habet locum inter collaterales

Collaterales q[ui] non sunt descendentes ab alio
sed omnes ab uno hi a[ut] sunt [illegible]
[illegible] fratres et [illegible]. Hec aut[em] [illegible]
in equales [illegible] qui equaliter distant
a stipite et in inequales [illegible] qui non equa-
liter distant a stipite.
Gradus e[st] intervallum vel distantia inter
personas et qua cognoscitur quota sit pro-
ximior [illegible] [illegible] [illegible]
[illegible] [illegible] qui [illegible].
Hic notandum q[uod] de computatione graduum
in linea collaterali [illegible] [illegible]
Jus civile et canonicum et discrepant in [illegible]
[illegible] [illegible] [illegible] [illegible],
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ad [illegible] [illegible] foro
[illegible] [illegible] Jus canonicum. In [illegible]
[illegible] [illegible] in foro Civili [illegible] [illegible]
[illegible] [illegible] Jus civile et in Ecclesiastico
[illegible] Jus Canonicum.
[illegible] in [illegible] [illegible] [illegible] Jus Canonicum [illegible]
[illegible] in utroq[ue] foro [illegible] [illegible] Jus
civile

Q.ª dicitur quae sit ratio utriusque Iuris in hac materia consanguinitatis matrimonialis?

R. 1.º Ius Civile tot gradus agnoscit et facit, quot sunt personae una dempta; Canonicum vero tot gradus agnoscit, quot sunt generationes.

2.º R. Ius Civile nullum [illegible] matrimonium in linea recta ascendentium et descendentium usque in infinitum, ita ut si Adam viveret et Noe prohiberentur ducere uxores; 2. Ius Canonicum vero est casus probabilis opinio [illegible] D.D. non excedere 4.um gradum.

3.º R. [illegible] Ius Canonicum constituit [illegible] gradus inaequales, quantum distantiae [illegible] gradus a stipite. Differentiam inter utrumque Ius, quae sunt [illegible] videbimus.

Affinitas oritur ex carnali conjunctione [illegible] ac seminis [illegible] copula [illegible] quae sit apta ad generationem [illegible]. Unde affines non se habent [illegible] omnes consanguinei viri fiunt affines mulieris, et omnes consanguinei [illegible]

alii mulieris sunt affines viri.
Hoc autem considerandum [illegible] ac Jus Cano-
nicum propter impedimenta dirimentia [illegible]
[illegible] ad Jus autem Civile propter sanc-
tiones ac [illegible] aliquae impedimenta
matrimonii [illegible] agnoscit Jus Civile. Diffe-
runt tamen [illegible] hec Jura. 1° quod Jus
Civile non agnoscit affinitatem [illegible] ma-
trimoniale sicut Canonicum quod extendit
eam usque ad 4. gradum inclusive. 2° quia
Jus Civile constituit duo genera affini-
tatis impedientia matrimonium [illegible] recta
[illegible] et ascendens [illegible] descen-
[illegible] habentes [illegible] uxorem [illegible]
[illegible] et plures [illegible] 3°.
Jus Civile non [illegible] vicem re-
ta [illegible] Canonicum autem nul-
lum agnoscit impedimentum [illegible] affinitate
[illegible] habens [illegible] Canonico
[illegible] hoc axioma [illegible] non
parit affinitatem. [illegible] tamen Civili
[illegible] impedimentum affinitatis [illegible]

Tē vide Collateralis ; 3.° id Jus Civile
vult affinitatem extendere inter descenden-
tes et descendentes [illegible] 3.° Jure
vero Canonico non excedit 4.um gradum. 4.°
et Jus Canonicum cognovit affinitatem contra
Regulas illatas [illegible] ad impedi-
mentum non excedendum ultra 2.um gradum.

Eodem Titulo De

Sponsalibus.

Cum Sponsalia sint quaedam sponsio et pro-
missio ad [illegible] ab illis [illegible]
[illegible] pro his [illegible] Jure Ca-
nonico [illegible] Sponsalium [illegible]
[illegible] [illegible] sunt sponsa-
lia [illegible] sunt vero matrimonii
[illegible] communicant [illegible] copulam carnalem et
communitatem [illegible] nominantur sponsi et
post [illegible] copulam nominantur maritus et
Uxor.

Definiuntur autem Sponsalia quod sint promissio
futuri matrimonii [illegible] simul contra-
hendis apud DD. Theologos.

Cum

P.^us^ Ut ad eorum valorem requiruntur testes, nec sponsus sed sufficit consensus utriusque.

2.us Quod obligent sub mortali ad eorum observantiam, quo nulla adest causa legitima excusandi, et contrahentes graviter peccant item Parochus et alij ministri vel amici si conveniant et persuadeant sponsis, ut ea dissolvant absque in: iusto

3.us Quod post Concilium Tridentinum nullo modo consentit matrimonium [illegible] de praesenti si coram eos [illegible] copula etiam affectum maritali [illegible] graviter peccant invicem copulando.

4.us Ut ea [illegible] impedimentum publicae honestatis modo infra explicandum si [illegible] copula duplex [illegible] impedimentum et publicae honestatis et affinitatis et utrumque explicandum in [illegible] dispensationis.

5.us Ut si quis contrahat cum duabus sponsalia prima valent et non posteriora etiam si sint iurata vel copulae secuta

cum

cum posteriore sponsa si ita tamen ut 2.a
contrahantur sponsalia per verba de praesen-
ti excellat posteriora et ea rescindunt
priora si quorumque casu. Sicut im-
pediunt et irritant quodlibet matrimo-
nium post ipsa contractum ad alteru-
trum. Similiter priora ut fuerit secuta copula
tamen sint sponsalia. Sed rata spon-
salia nullo modo solvi possunt nisi
per professionem religiosam in aliqua reli-
gione approbata, vel etiam 2do aliquo
per dispensationem summi Pontificis. Vero
tamen fuerint consummata nullo modo
solvi possunt nisi per mortem
6.° Item sponsalia per verba de futuro
solvi possunt pluribus modis. 1.° de
com. consensu utriusque, ut dicitur regula
quia nihil est tam naturale quam quod omnia
dissolvuntur per eadem causas per quas fue-
runt constituta. 2.° dissolvuntur per lapsum
ad temporis praefixi ad explendum [illegible]
si non fuit praefixum per spatium biennii

siat

tur de dubio a provisoria ex vicennali de
dubio [illegible] et tandem alia causa plurium
[illegible] etiam initio aliorum sponsalium post
[illegible] dirimitur sponsalia dum autem
[illegible] quia potuit causam dissolu-
tionis ex [illegible] qui habuit talem causam
[illegible] [illegible] vel [illegible]
post nihil dicitur at [illegible] de [illegible]
[illegible] libertas. 4° est longum esset numera-
rum [illegible] legitimas dissolvendi spon-
salia [illegible] obtinendo [illegible]
[illegible] [illegible] in multis notabilius status
[illegible] post contractus sponsalium [illegible]
[illegible] si fuisset praevisus ut fuissent
[illegible] [illegible] causam ad [illegible]
[illegible] in causa fuit [illegible]
sponsalia [illegible] [illegible] alterutrum
[illegible] [illegible] [illegible] notabilis mutatio
[illegible] [illegible] iudicio prudentis Viri.

Titulo De Matrimonio

Matrimonium plura nomina sortitur [illegible]
[illegible] [illegible] [illegible] vocatur et Coniugium [illegible]
[illegible]

[illegible] Matrimonii et sponsalia de futuro.
Differt autem a sponsalibus de futuro in hoc quod
[illegible] solum promittit sibi [illegible]
[illegible] [illegible] [illegible] in sponsalibus
[illegible] [illegible] [illegible] traditio de
futuro huiusmodi [illegible]. Ex quo sequitur
quod si [illegible] contrahunt [illegible] [illegible]
[illegible] sponsi [illegible] [illegible] [illegible]
posteriore [illegible] [illegible] [illegible] iam [illegible]
[illegible] Deus et Dominus [illegible] corpus alterius
Definitio. Legitima coniunctio maris et
foeminae individuam vitae societatem con-
tinens. Est autem triplex legitimum
Ratum et Consummatum et ratum; quae con-
veniunt [illegible] definitio. Legitimum vocatur
[illegible] quod [illegible] etiam inter infideles
quod nullo modo est sacramentum [illegible] [illegible]
contractus politicus initus et civiliter contrac-
tus. Est vero indissolubile ex Dei in-
stitutione et ordinatione quae hoc maxime
conveniens erat fini matrimonii qui est
generatio et educatio prolis. In
[illegible]

aliquis [illegible] solui pot huiusmodi
matrimonium [illegible] [illegible]
[illegible] [illegible] contrahentium
matrimonium Ratum [illegible] ideo [illegible]
[illegible] [illegible] inter [illegible] et
hoc pot solui [illegible] [illegible]
professionem religiosam et 2° [illegible] et
[illegible] dispensationem summi Pontificis.
Dices ulterius Comm[illegible] [illegible] copula [illegible] Coniuges [illegible]
[illegible] [illegible] Com[illegible] [illegible] fuit
ab initio pot solui [illegible].
[illegible] [illegible] [illegible] Matri-
monii [illegible] contrahentes [illegible] [illegible]
[illegible] sacramenti [illegible] [illegible]
2° [illegible] consensu [illegible] [illegible]
contrahentium [illegible] non [illegible] extinctum Matrimonii
[illegible] [illegible] contractus [illegible]
[illegible] Sacramentum [illegible] natura [illegible]
[illegible] [illegible] contracta [illegible]
[illegible] [illegible] [illegible] contractu
[illegible] [illegible] Sacramenti [illegible] [illegible]
erit

ui cum sit pot. esse verum et legitimum patri-
monium et esse sacramentum eius audit
significationis et status naturæ, et legis supra-
dictæ.

Hic autem consensus debet esse plene liber
quia cum matrimonium sit vinculum perpetuum
et adeo grave requirit esse plenam libertatem.
sine qua ut non solum error (de quo infra)
sed etiam metus gravis [illegible] ipsimet matri-
monium et reddat nullum de iure Canonico.
debet autem hic metus esse gravis et ut
dicunt D.D. cadens in constantem virum.
semper debet esse ab extrinseco siue a causis
liberis, ac etiam iniuste incussus aliqui
etiam volunt ut debeat esse iniustus
[illegible] a qua persona incutiatur, dummodo
adsint ceteræ conditiones supradictæ.
[illegible] natura metus conveniunt inter D.D.
[illegible] hic agendum de omnibus incidentibus.
[illegible] contractus intimiores et obligatio-
nes parum communes invicem habent [illegible]
e [illegible] vinculum perpetuum et indissolubile
modo

mutuo nexu excitante. 2° e[st] respectiva
cohabitatio in substantialibus mutuo cum fine ad
consequendum ut [illegible] esse et mariti [illegible]
[illegible] et Uxor possunt exigere sibi invicem
solitudinem illius loci et conditiones ipsorum.
3a reddere invicem debitum quod continet
tres obligationes graviter obligantes
1a [illegible] quod Coniux non permittat
corpus suum alteri ad usum generationis sine
gravi reatu adulterii cuiusque oppositio
commissa sive homini sive bestiae [illegible]
moni. 2a est ut teneatur consentire alteri
coniugi ad usum generationis exposcenti
serio instanter et rationabiliter petit quia
si Coniuges non dominium sui corporis sed
alterius ut ait Divus Paulus.
Prohibetur et sub evangelica polygamia id est
plurales uxores eodem tempore [illegible]
[illegible] post publicationem Evangelii
[illegible] et obtinent mores
[illegible] alterius coniugem [illegible]
de impedimento quod et statim possit [illegible]
[illegible]

tes inire novum matrimonium et licet Jus
Civile prohibeat feminis iuvenes nuptias
intra annum luctus et ponat aliquas poe-
nas nubentibus tamen id hoc correctum est a
Jure Canonico tamen et id hoc quod parentes
eorum possint plus ad ineundum matrimo-
nium [illegible] poenas.
Quaeritur an separati conjuges teneri sub gravi
obligatione ad reddendum debitum hoc tamen
habet aliquas limitationes et exceptiones
1.a est quod non tenentur intra bimestre post
contractum matrimonium quia spatium deli-
berandi conceditur a jure canonico ad deli-
berandum an velit ~~[illegible]~~ ingredi religio-
nem. 2.a quod alter committit adulterium [illegible].
3.a quod [illegible] est [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] plures aliae sunt causae
de quibus consulendi sunt D.D.

De Divortio

Dicendum est [illegible] obligationes habere conju-
ges [illegible] [illegible] [illegible] reddendi debitum [illegible]
di et cohabitandi [illegible] [illegible] debitum [illegible]
[illegible]

tria — et vocatur vinculum matrimonii.
~~[illegible]~~ et quomodo et quibus solvi possint
Duo priora vincula sunt exponenda de
3.o sed de eius solutione quae aliter vocatur
divortium c.a est advertendum quod sunt aliqui
casus in quibus licite potest alteruter coniu-
gum non teneri ad cohabitationem.
Definitur divortium legitima separatio viri et Uxo-
ris quoad complexum [illegible] ad causam cog-
nitionem c.a [illegible] definitionem advertendum est
quod separatio debiti coniugalis [illegible]
[illegible] de [illegible] habeatur saltem moraliter certi-
tudo fieri potest et propria authoritate
in foro conscientiae sine ullo peccato. Sepa-
ratio tamen quoad cohabitationem non potest fieri
sine Judicis authoritate ratione scan-
dali et aliarum circumstantiarum quae concur-
rere possunt
Praecipue autem causae separationis sunt ipsae
[illegible] ut puta ~~[illegible]~~ [illegible] nimiae
[illegible] sunt [illegible] aliud [illegible] tem-
porales, quibus [illegible] [illegible] [illegible]
[illegible]

tenentur: 1.a temporalis, quae est nimia saevi-
tia viri vel aliorum domesticorum propter
quam Vxor non tute separari [illegible]
tenetur recognoscere nisi vitae omnino securae
reparatis huiusmodi causis ita cognitae
iterum in Spa [illegible] et capite nominando. Idem
dicendum est de viro respectu Vxoris. In
hoc autem casu ex culpa Viri vel domes-
ticorum conjugum. Vxor se separavit maritus
nihilominus tenetur ad praestandum ei alimenta
maxime si fructus eius dotis. ita Baldus in
l. si quid Vxori C. de negotiis gestis.
2.a causa spiritualis temporalis est si vel
Vir mulierem vel mulier virum sollicitarit
vel pertraheret ad peccandum in gravis-
simis [illegible] cohabitatione.
3.a causa est Adulterium commissum ab altero
Conjuge, quod debet esse formale, id est cogni-
tum et notum aliquo modo. Et liberum
commissum ea voluntate ad inducendum aliud
majori gravi. Nomine autem Adulterii intelli-
gitur copula carnalis cum altero maxime,

sive

sive hoĩe sive Demone sive bellua.

Hic est adv̄tendum p.° q̃d hęc causa ē pen: pētua 2m coẽ DD. opinionē ita ut fornicatio ab utroq; subsequente [illegible] obstat causa reconciliari Coniungi adultero.

2.° A maritus pot agere contra Uxorē adulteram et criminaliter ad penā et civiliter ad amissionē Dotis nisi ipse commiserit adulterium vel ipse quoq; illud commiserit q.a in hoc casu ā lege permittitur criminum compensatio licet in adulterio in aliis casibus ita l: Viro et ff. Uxore ff. de soluto matrimonio. Uxor tñ n̄ pot agere criminaliter contra Virū adulterum, sed tñ civiliter ad divortium et ad amissionē donationis propter nuptias ita l: consensu C. de repud. et adulterio.

Sunt quibus et aliæ causæ numerantur à DD. [illegible] divortii, quæ videri possunt apud ipsos.

Hic occasione q̃ritur à DD. an mulier teneatur sequi Virum [illegible] et

et excipiuntur [illegible] cohabitationis.
1.º quod si mulier nolit Virum sequi [illegible] est vagabundus [illegible] uno [illegible] ad [illegible].
2.º quod si Vir habet [illegible] domicilium Uxor tenetur illum sequi.
3.º [illegible] si mulier [illegible] [illegible] [illegible] nihilominus tenetur [illegible] ut Panormitanus et alij [illegible] et [illegible] [illegible] [illegible] delictum commissum vel [illegible] fuit extra propriam Civitatem vel provinciam ita dicit Canonicus cap. 2.º [illegible] Ricardus de Sancto Victore [illegible] Uxoris [illegible] C. de donatio[illegible] inter Virum et Uxorem et alij [illegible]

De [illegible] Matrimonij.

Ut [illegible] elementa Matrimonij [illegible] materia [illegible] Jure Canonico [illegible]

De impedimentis agimus 2.do Jus Canonicum.
2.o genera impedimentorum ponit Jus Cano-
nicum quorum alia vocantur impedientia
tantum quia reddunt matrimonium illici-
tum sed [illegible] alia vero dirimentia
quia [illegible] illicitum sed et inva-
lidum [illegible] ac [illegible] contractum fui-
sset. Priori generis numerantur quidem
[illegible] aliqua ex his in [illegible]
[illegible] alia vero de raro contingunt [illegible]
[illegible] tempus [illegible]
[illegible] et Quadragesima, [illegible] pu-
blicum solum solemnitates nuptiales [illegible]
[illegible] Sponsalia valida [illegible] contracta
cum alia persona quae adhuc [illegible].
Votum simplex sive castitatis sive ingredien-
di religionis, nam votum solemne [illegible]
[illegible] dirimentia [illegible] infra
Impedimenta 2.i generis alii plura alii
pauciora numerant et [illegible], ipsa scrip-
to. Aetas, [illegible] Parochi et duorum
Testium, [illegible] Conditio, [illegible]
[illegible]

Cognatio vel Carnalis Spiritualis et
Legalis. [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] dicendum.
[illegible] [illegible] [illegible] [illegible]
[illegible] annorum [illegible] et 12 [illegible]
[illegible] quae conveniunt [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] futuris [illegible] [illegible] uxor
[illegible].
Quando [illegible] [illegible] solum apud omnes D.D.
[illegible] est deffinitum a [illegible] Concilio Triden-
tino [illegible] valore [illegible] omnium
[illegible] [illegible] parochio proprio et duo-
[illegible] [illegible] [illegible] parochia
[illegible] vel [illegible] vel [illegible] [illegible]
[illegible] contrahi debebat. [illegible]
[illegible] [illegible] [illegible] solum [illegible]
ubi acceperant [illegible] C. Tridentin. [illegible]
[illegible] alius contingit [illegible] [illegible]
[illegible], qui [illegible] [illegible] [illegible]

aliud contractum defectus consensus. Alius
ē conditionalis qui vitiat aliud contrac-
tum nisi illa qualitas sit principaliter inten-
ta in pactionis ut qualitas naturae con-
ditionis sive quae sit.

Conditio ē quo una persona ē [illegible] et [illegible]
[illegible]

Quo attinet ad cognationem 3plex ē: naturalis ē alia
Carnalis quae oritur ex sanguinis propinquitate
sive ex 3ta et Patris [illegible] naturaj
et impedimentum in hac [illegible] durat usque ad
quartum inclusive [illegible] secundum [illegible]
[illegible] numerando gradus [illegible]
Canonicum.

2a Cognatio ē Spiritualis orta ex solemni-
tate Baptismi et Confirmationis [illegible]
[illegible] Baptizantem et Confirmantem Bap-
tizatum vel confirmatum et parentes ipsius.

Item inter Patrinum et Baptizatum vel Confirmatum
et eius parentes nec ulterius extenditur ad
alias personas. Requiritur tamen ut Patrinus
[illegible] [illegible] solemniter baptizatum.

Cognatio legalis originem habet ex adop:
tione, de qua nec [illegible] agitur, ut dictum
dupliciter est adoptio: [illegible] [illegible] completa
et imperfecta alia, quae dicitur arrogatio, [illegible]
et apud omnes D.D. arrogatione oriri
hoc impedimentum conveniunt, verum
est de adoptione imperfecta [illegible]
probabilior est opinio negans.
Dirimit autem haec cognatio i° matrimonium in-
ter adoptantem et eius uxorem ac adoptatum
et eius filios et [illegible] impedimentum perpetuum.
2. et dirimit [illegible] [illegible] dissolutione [illegible] inter
adoptatum et filios adoptantis; sed haec est
temporalis [illegible] [illegible] solum emancipatione
filiorum legitimorum [illegible] [illegible] adoptati.
Crimen 3 [illegible] [illegible] machinatio mortis prioris
coniugis [illegible] intentione contrahendi aliud
matrimonium cum aliqua persona determinata
[illegible] et [illegible] [illegible] ipsius [illegible]
[illegible] [illegible] priori coniugi [illegible] adulte-
rium [illegible] [illegible] [illegible]
et in [illegible] attentatus.

Sive

Hoc loco adulter, et ubi [illegible] utrumque nomi-
ne Coniugis, tunc materiae illas spectat
ad utrumque indifferenter, quod ubique specia-
lis obligatio alicuius, tantum utrumque no-
mine mariti et viri.

2.° Crimen X. Matrimonium contractum [illegible]
de facto cum altero vivente priore
Coniuge et hic conscientia [illegible] de
[illegible] prioris. [illegible]
et vivit ipso intendat adulterium sed
adhuc vivat prior Coniunx.

3.° Crimen accidit de contrahentibus sponsalia
per verba de futuro [illegible] quae bene possi-
bilis certis conditionibus [illegible]
in matrimonio per verba de praesenti [illegible]
[illegible] hoc impedimentum.

4.° [illegible] de [illegible] dispensatio habet locum
de libellis [illegible] consulere [illegible]
Matrimonium [illegible] baptizata [illegible] Matri-
monium [illegible] validum [illegible] om-
ni [illegible] licet [illegible] aliquis [illegible] illicitum.
[illegible] in [illegible] locis ubi [illegible]

minus

[illegible] [illegible] ad Catholicis et participans
indifferenter de officijs, et muneribus publicis illius
Civitatis.

Certum est apud omnes quod ordo sacer sub-
diaconatus et votum professionis [illegible] reli-
gioni religiosae approbatae ab Ecclesia
habeatur communiter impedimentum publicum honesta-
tis dirimens.

Vir potest cum uxore [illegible] [illegible] impedi-
mentum dirimens [illegible] [illegible] manens in pote-
state uxoris et hoc est in ipsa sponsa
consentiat [illegible] in potestate libertatis vali-
dum posset [illegible].

Certum est [illegible] [illegible] ligamen alterius matrimonij vali-
di [illegible] Evangelicas e impedimentum divi-
nis constitutionibus [illegible] non potest dispensari.

Impedimentum publicae honestatis ex [illegible]
[illegible] [illegible] sponsalibus [illegible] a
principio validis [illegible] [illegible] ad primum
gradum [illegible] ex matrimonio rato [illegible]
non consummato [illegible] [illegible] [illegible]
ad 4um gradum [illegible] [illegible] in matrimo-
nio

nium fuerit consultum ob aliquod impedimentum oc-
cultum.

Impedimentum affinitatis de quo aliquo quaeren-
dicimus se extendit usque ad 4.um gradum
sive oriatur ex copula licita seu matri-
moniali sive illicita ex fornicatione tantum usque
ad 2.um. Debet tamen talis copula esse apta ut
ex ea possit fieri generatio prolis.

Impedimentum impotentiae coeundi provenit ex defectu
coitus. 1.um est impotentia quae ad gene-
rationem prolis aut ... [illegible] 2.um
ad copulam ob aliquam causam ... [illegible] impe-
dimentum. Unde impotentia ... [illegible] ante-
cedens et perpetua est impedimentum dirimens
si vero sit consequens matrimonium vel tem-
poralis nullum inducit impedimentum.
Dicitur autem temporalis illa quae non potest tolli
remediis naturalibus. In dubio ... [illegible] an per-
petua vel temporalis habet cognosci a
Iudice eorum spatium ... [illegible] triennii ad
experiendum, et in dubio an sit antece-
dens vel consequens, communis opinio incli-
nat

aut sit indicandum in confessione complens et unde validum matrimonium [illegible]

Circa hanc materiam impedimentorum aliqua sunt declaranda. 1° impedimentorum alia sunt de jure Divino ut ligamen seu pluralitas Uxorum: alia de jure Naturali ut Error Impotentiae et 1us gradus consanguinitatis lateralis [illegible] in linea [illegible] in [illegible]. Caetera vero sunt tantum de jure humano et ideo potest dispensari contra [illegible] et [illegible] [illegible] [illegible] Ecclesiastico vel Positivo [illegible]

2° [illegible] impedimenta de jure Divino et Naturali [illegible] [illegible] [illegible] ideo [illegible] [illegible] [illegible] [illegible] [illegible] Ecclesiastica [illegible] [illegible] obligare [illegible] [illegible] validum [illegible] ipsorum matrimonium contrahendum [illegible] [illegible]

3° [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible] solius [illegible] publice [illegible] ... [illegible] simpliciter [illegible].

Titulus Undecimus
De Adoptionibus

Quia Ius Patriae Potestatis acquiritur non solum per carnalem generationem modo dicto, sed etiam per legalem [illegible] adoptio [illegible] a iure [illegible] viri qui non possunt habere filios naturales, quia non solum homines sed et animantia natura inclinant ad prolem generandam sive perpetuandam et [illegible] in specie [illegible] possint [illegible] ut [illegible] et [illegible] naturali [illegible] et [illegible] pulchritudinem [illegible] generatio et conceptio.

[illegible] hic veniunt tria genera filiorum. Primo [illegible] qui vocantur naturales et legitimi orti sunt ex legitimo matrimonio vel [illegible]

Legiti-

legitimati: aut legitimorum tantum ut adop-
tivorum: de quibus non agendum [illegible]
[illegible] tantum qui sunt [illegible] nati ex legi-
timo matrimonio [illegible] gaudent a [illegible]
[illegible] patria potestate et [illegible]
[illegible] qui gaudent [illegible] ab [illegible]
[illegible] filiorum principaliter [illegible]
[illegible] constitutionis [illegible] habet
[illegible] solum de iure civili [illegible] distinguit
[illegible] filios quum [illegible] concubina
domi retentam [illegible] de [illegible]
[illegible] ex illa [illegible] simpli-
citer [illegible] ex illo [illegible] con-
cubina domi retenta [illegible] uxor
[illegible] matrimonii [illegible]
vel etiam ex alias. [illegible]
extra domum [illegible]
[illegible]
[illegible] canonico [illegible] civile [illegible]
propter [illegible] et [illegible]
[illegible] libro.
[illegible] simpliciter [illegible] et

[illegible]

Adoptionis. [illegible] contingit
[illegible]
qui adhuc manent sub [illegible]
[illegible]
[illegible] naturae, [illegible] adop-
[illegible]
[illegible]
sanguinis et [illegible]
[illegible] vinculum [illegible] naturae [illegible]
[illegible] potest [illegible] ab
[illegible] Pater [illegible]
[illegible]
[illegible]
[illegible]
eosdem effectus [illegible] et [illegible]
[illegible] Patri-
[illegible]

Effectus [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

2[illegible]

2.us quod dignitas senatoria adrogantis ita [illegible] senatorius filius quam lex senatorum. 3.us quod adrogans habet [illegible] [illegible] adrogatus. l. 1a C. de emendatione. 4.us quod adoptatus non potest vocare Patrem in jus sine venia ut dicitur et de filiis legitimis et naturalibus. Propterea quod [illegible] [illegible] filius. 5.us quod prohibitum matrimonium inter Patrem et filiam adoptivam ita [illegible]; sed [illegible] ut dicitur c. 1 de [illegible] canonica dictum supra de cognatione legali.

Hic addebant DD. quod adoptatus in [illegible] non venit appellatione liberorum nisi nominatim, ideo non admittitur in feudo fideicommissa [illegible] et similia; [illegible] filii naturales excluduntur [illegible] filios adoptivos, multo [illegible] naturales, ita deciditur in [illegible] plurimis l. [illegible]

[illegible] Rubrica

eodem Titulo De Arrogatione

Definitio. Arrogatio actus legitimus [illegible] uni

[illegible] esse si sit Paterfamilias autori:
tate Principis fiunt et alterius familiae et
statu et sacris filios liberos. Dicitur autem
Arrogatio eo quod interrog: rogetur a Iudice an
consentiat ad talem actum, ita l. 2. ff. eod.
Hic tamen advertendum quod etiam ad simplicem adoptio:
nem adhoc ut sit valida requiritur autoritas
Iudicis.

Quilibet autem persona potest arrogari etiam im:
puberes tamen arrogandum requiritur diligens
examinatio Iudicis an hoc sit utile et
expediens pupillo.

Quod attinet ad arrogantem plura sunt requisi:
ta. primum quod excedat saltem per decem et
octo annos arrogatum iuxta [illegible] Iusti:
niani [illegible] ff eod.

2um quod debet esse aptus ad generandum
[illegible] tamen, quod talis sit a Nativitate
[illegible] aliquo [illegible] sit [illegible]
[illegible] autem [illegible] a Nativitate
[illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] ita [illegible]

3us [illegible] eodem.

Ut sit masculus et foemina hoc non [illegible] [illegible] [illegible] sub [illegible] [illegible] poterunt tamen hoc facere ex concessione supremi Principis [illegible] tali cum haberent filios sub potestate [illegible] [illegible] dicta et rescriptum Principis [illegible] intelligendum [illegible] [illegible] [illegible] possunt tamen adrogari hic [illegible] et si velit adoptare filium naturalem [illegible] legitimum [illegible] [illegible] [illegible] [illegible] [illegible].

Titulus Duodecimus.

[illegible] Quibus modis solvitur Patria Potestas. [illegible] [illegible] [illegible] [illegible] de modis [illegible] acquiritur Patria potestas in hoc titulo [illegible] de modis quibus solvitur. Dicitur

1. [illegible] mors Patris familias [illegible] [illegible] filius [illegible] [illegible] potestate Patris [illegible] erat sub potestate alicuius ascendentis ipsius mortuis [illegible] sub potestate Patris.

2us

2.º 3.º ē Mors Civilis Patris nat. p deporta-
tionē vel autē hec n. ut [illegible] Rem
dubiū ē inter [illegible] [illegible] hoc
temporis incedat hujusmodi deportato-
ri [illegible] Binatunus et alij dicunt rele-
gationē [illegible] [illegible] multis [illegible] nec
habere effectus, quos habebat deportatio.
Dicit tñ [illegible] illi [illegible] sunt bannitj cum
confiscatione bonorū, æquiparari deportatis
et cæteris civiliter mortuis veluti dam-
nati ad mortē in [illegible] [illegible]. Dē his
autē ita discurrit [illegible] [illegible] ad possint [illegible]-
pulam nec habeant ius agendi nec facie-
ndi testamenti nec cætera alia q̃ sunt dē
Jure Civili. Gaudent tñ hujusmodi
[illegible] his reb. q̃ sunt dē Jure Gentiu
nisi aliqua Lege Municipali prohibe-
antur, [illegible] [illegible] [illegible] [illegible], [illegible] pēri
pannis.
[illegible] Parvih [illegible] modo dico committunt [illegible] muni-
cipalia et privilegia q̃ sunt propria
illius Civitatis et Regionis, ī qua sunt

pan-

parriti, non amittunt tn iura cõia et
in illa civitate et Regione, vt sunt suc-
cessiones ad hereditates. si tn restituuntur
vel liberantur recuperabunt omnia, nisi aliter
caveatur in restitutione et liberatione.
3.us ē acquisitio dignitatis Episcopalis,
quia tn desistit onores ē absolutus quoad
ea q̄ sunt onerosa, ut q̄ sunt favora-
bilia nam privilegia non debent cedere in
preiudicium illorum quibus facta sunt, ita in
Authen. sed Episcopalis, C. de Episcopis,
et Clericis. Dignitas tn Clericalis, nam
et sacerdotalis non eximit a Patria ptate
sed solum ut dictum ē supra facit habere
bona, q̄ aliquis acquisierit adversus eandem
quasi Castrensia, ita l. sancimus C. de
Episcopis...
4.us ē professio in religione approbata quia
Religiosus ab ipsis utriusque ptati [illegible]
[illegible]...
5.us ē Emancipatio c.a quam infra scripta sunt
notanda 1.o q̄ fieri non pōt invito patre
aut

aut et filio.

2º. Qd Pater pot. petere et recipere pretium
suo eodem tpre praecipue rebellare ...
... quod filius ...
quaesita, vel ... spectant ad filium
practis emancipatione. Ubi et advertendum, qd pot. emancipare filius redactus
in patria ptate sine nepotes, et e contra;
imo et si filius emancipetur, vel ...
emancipati nepotes geniti ante emancipationem nisi exprimatur hoc contrarium.

6us non e adoptio facta ab Avo vel Paterno
vel Materno modo supra explicato.

Aliqui addunt etiam, qd filia tradita nuptui quae
non recipiatur sub ptate Viri, pot.
esse sub ptate Patris, et tamen magis
certior et probabilior opinio e contrario
qd scil. remaneat sub ptate Patris, nisi
aliquis effectus et praecipue quoad usum-
usumfructum bonorum et ... quae
acquirit Patri vel marito. Verumtamen hoc
in materia sit adeo ... notis ... est,
quia

quid. dicu municipalia dicuntur vel
reipublicae vel communitatis Regionis. ubi exorditur ... ad ... consuetudinem
magnam vim habent ... hunc indicavit ... Vulgo dicitur ...

Titulus Decimus Tertius
De curis et Tutelis.

Quia Tutelli et curae habitationem
similitudinem cum potestate ... ut curator
et Tutor aliquale dominium super pupil-
lum et minorem ... ideo ... in ... mo-
do ... hoc Titulo et ... de
cura et potestate de curatoribus.

Definitio. Tutela est vis ac potestas
in capite libero, ad tuendum eum qui propter
aetatem ... se defendere nequit, ... eius
definitionis adverbenda ...

Primo lex ... quam ... ...
... defendere et ... habere ... ordinavit ... ...
tutores et curatores. Tutores quidem
impuberibus pupillis, curatores
...

...

aetas minorum. Et ob eamdem causam prohibet administrationem rerum suarum. Sed nisi explicando sunt et sunt ergo praedictos.

2°. Quod si sive distinguuntur aetates, infantia quae durat usque ad septennium, pueritia quae rursus ad decimumquartum in masculis et duodecimum in feminis. Adolescentia item [illegible] illa, quae proximior infantiae et eadem [illegible]. 3a aetas [illegible] pubertas, quae durat usque ad 25 annum tam in masculis quam feminis, et vocatur minoritas sive pubertas, quae [illegible] [illegible]. Sequitur [illegible] quae pertingit usque ad 100 annum et [illegible] usque ad 50. 4a. [illegible] [illegible] sive virilitas, quae [illegible] usque ad quinquagesimum, [illegible] alios ad sexagesimum. Hanc sequitur senium sive decrepitas, quae incipit [illegible] [illegible] [illegible] usque ad [illegible], sive longi-

tudine

...tudine, sive in certitudine et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] cum labor et
dolor sive aliae huiusmodi malis.
3° [illegible] intellectus principaliter [illegible] [illegible]
[illegible] [illegible] principaliter [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ita
[illegible] et [illegible] [illegible] eodem [illegible]
4° [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et filio
familias [illegible] [illegible] [illegible] [illegible]
ut [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] impeditur, ita [illegible] [illegible] [illegible]
[illegible] [illegible]
Dividitur intellectus in testamentarium [illegible]
[illegible] [illegible] vel aliis [illegible] [illegible]
[illegible] legitimam [illegible] lege [illegible]
[illegible] [illegible] testamentaria [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

Titulus Decimus Quartus
De Tutela Testamentaria

in

Q. in hoc titulo [illegible] de his [illegible]
ad [illegible] testamentariam [illegible]
habent [illegible] in omnino dubio [illegible]
[illegible] vel solus [illegible] codicillus [illegible]
[illegible] confirmationem [illegible] testamentum [illegible]
[illegible] nullus est, nisi confirmetur a
[illegible] testamentariam confir-
mare [illegible]
[illegible] l. 2. C. de testa-
[illegible] tutella [illegible] magna
dificultas [illegible] illas confirmandas a
Judice [illegible]
de confirmatione [illegible] casu
Tutor non tenetur [illegible]
confirmetur nec ullum periculum [illegible]
vel pupilli [illegible]
[illegible] l. de testamenta-
ria tutella. [illegible] non indiget tali
confirmatione [illegible] Tutor [illegible]
[illegible] ad [illegible]
[illegible] pupilli [illegible]
administratione Tutorum [illegible] doctrinas com-
habet

habet in omni simili casu.

2.° quod soli Magistratus possunt instituere
Curatores suis filiis feminae vero non et
nec etiam Mater vel amici nisi tantum
in suo filio relinquant hereditatem quia tunc
tenetur Iudex confirmare. Si vero non
constituatur in filiorum hereditate vel beneficio [illegible]
a Matre [illegible] di testamentaria Tutela.
ideo dicendum est de examine, [illegible]
tur aliquid hereditatis, [illegible] ut pupillus pot-
est eundem Tutorem [illegible] debet confirmari
a Iudice, [illegible] tamen debet prius
cognoscere et perquirere an [illegible] hered-
itas sit illi utilis vel non, ita [illegible]
[illegible] ff de Confirmatione Tutorum.

3.° quod potest esse Tutor etiam [illegible] et liberis
[illegible], dummodo sint sub potestate. Patris
[illegible] et eo mortuo non sint recasuri in
potestatem Patris. Immo et [illegible] non
[illegible] adiecerit [illegible]
[illegible] infamantibus habere [illegible]
[illegible] odiosis vero minime [illegible]

pa

[illegible] ob [illegible] Et ex [illegible]
4.° [illegible] non pot [illegible] sed [illegible]
pot [illegible] tutor [illegible] [illegible]
[illegible] a Judice confirmari modo supra
dicto.
2.° [illegible] mulieres prohibent exercere hoc
officium exceptis matre et Avia [illegible]
[illegible] ad [illegible]
[illegible] admittantur a
lege [illegible] eam Judici [illegible]
[illegible] et si contingat [illegible]
[illegible]
[illegible] creditor [illegible]
summa

De Tutela legitima

Titulus Decimus Quintus

In hoc Titulo agit [illegible] de tutela legi-
tima [illegible] a lege [illegible] et ab
ipsa [illegible] aliqua ratione [illegible]
[illegible] modo supra
dicto. [illegible] autem [illegible]
iusta [illegible] ad hanc tutelam

[illegible]

vel ulterioris [illegible] Agnatorum [illegible] Patronorum ·
alia Patronatus [illegible] Tiburniana. Sic
autem [illegible] [illegible] nomine Agnatorum veniunt
propinqui et [illegible] sanguine Coniuncti ex Patris
[illegible] vel illi qui uniuntur inter se ex
parte [illegible] [illegible] [illegible] [illegible] [illegible] et
[illegible] ambiguitatis erat [illegible] inter ipsos [illegible]
Agnati [illegible] [illegible] in [illegible]
[illegible] et [illegible]. [illegible] tamen nomine [illegible]
fit / [illegible] inter ipsos exceptis [illegible]
[illegible] [illegible] solum [illegible] ad [illegible] gradus
propinquitatem.

X omnes Patronorum [illegible] [illegible] q maxime
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible]. [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

C.ª [illegible] [illegible] infra [illegible] [illegible] [illegible]
[illegible] si [illegible] [illegible] [illegible] [illegible] [illegible].
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et

[illegible]

tacita hypoteca aliorum, ut habetur in haeredes, tenentur heredes, et eadem, etiam si plures [illegible].

2.° [illegible] adhuc ut Tutor sive Testamentarius sive legitimus possit incipere administrare [illegible] [illegible] requiritur [illegible] a Judice [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] confecit inventarium omnium bonorum pupilli [illegible] tabellionem et extra Judicium, et si [illegible] negligit hoc facere [illegible] a [illegible] [illegible] [illegible] et obligatur ad omne damnum pupilli [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] debet [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] pupillo [illegible] [illegible] testamentaria [illegible] [illegible] [illegible] obligationes [illegible] [illegible] [illegible].

4.° [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] debet pupillo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

mẽ

...macedones quodo ~~[illegible]~~ ingratos 2r
[illegible] vixerunt.

Zo. Sit inter eos qui [illegible] ad [illegible] [illegible] illis [illegible] voluntas in hac diminu-
ti capitis quod diminutio triplex est maxima
scilicet media et minima: Per maximam
intelligunt quando homo admittit omnia bona
simul libertatem civitatem familiam quod
contingit quando [illegible] sententiam capitale dam-
natis est ad mortem. quia sic de iure dicitur
servi poenae [illegible].

Media diminutio contingit cum quis retenta
vita et libertate amittat civitatem unius
desinit esse civis et sic admittit prout
omnia iura civilia illius civitatis [illegible]
[illegible] ad successiones et [illegible] [illegible]
bat [illegible] [illegible] [illegible] nunc
2do aliquos D.D. [illegible] [illegible] ad con-
[illegible] bonorum [illegible] [illegible] [illegible]
est [illegible] [illegible] vel [illegible] [illegible] [illegible]
[illegible] [illegible]: Respondeo.

Minima deminutio contingit per arrogationem
modo

modo supra dicto 1.° quia ea admittat-
agnatio et parentes Stemma transeunte
ad aliam familiam per consequens admitti-
tur ad tutelam [illegible] cognationi.
Et [illegible] adueniendum [illegible] per hanc [illegible]
nes [illegible] absolute atque et
Ius agnationis et cognationis [illegible]
quo [illegible] effectus [illegible]
tis dispositione eo quod reputat illud tan-
quam mortuum primi familiae.

De Tutela Datiua.

Si ex deficiente testamentaria uel legitima tutela
uel impeditis uel suspectis ob aliquam ca-
usam vocatis ab illis spectat ad Iudicem
constituere Tutorem pupillo qui uocatur
Tutor Datiuus [illegible]
alijs [illegible] a lege [illegible]
[illegible] omnino esse Tutorem a
Iudice [illegible] cum omni periculo spe-
[illegible] Tutores [illegible] Datiuus
Circa istum scripta sunt notanda.
1.° Dare Tutorem spectat ad illum Iudicem

q.a

q. habet sub sua potestate pupillum et ipsius
tutorem. 2° [illegible] potest cogere
Tutorem ad reddendum rationem administra-
tionis omnium istius [illegible] l. 5. [illegible]
[illegible] potestatis et [illegible] captione
[illegible] [illegible] ut [illegible]
[illegible] habeant [illegible]
[illegible] ita habetur in L. [illegible] ff.
de tutor. [illegible] Cum autem habe-
tur tali judici vel ratione pupilli vel
Tutoris, potest esse vel ratione originis vel
domicilii [illegible] ff. de curatori-
bus et Tutoribus. Si contingat pupillum habitare
sub uno judice et sub altero habere bona
spectat ad judicem domicilii dare tutorem
eo ut Tutor principaliter [illegible]
[illegible] Tutor debeat habitare [illegible] loco
ubi pupillus et [illegible] judicis [illegible]
dicit. ★
Quod attinet ad [illegible] bona [illegible]
[illegible] D.D. [illegible]
et apud [illegible] possunt [illegible]

ea

ea restringere unico verbo, nempe quod tute-
ram faciat omnia, quae facit dili-
gens paterfamilias.

Pupillus debet educari apud matrem si vit[illegible]
bet, nec transiit ad 2.am nota, quod si vel
mortua sit vel [illegible] deliberandum
eum apud eos, quos iudex [illegible]
[illegible] apud eos qui succedere de-
bent vel ab intestato vel substitutio-
ne vel [illegible] pupilli
[illegible] addit et
l. 1. et 2.a C. [illegible]

Titulus 21

De auctoritate tutorum.

In hoc Titulo agitur de necessitate auctoritatis et
consensus tutoris ad hoc ut contractus pupilli
[illegible] ex legis determinatione fieret
auctoritate [illegible]. [illegible]
[illegible] hoc [illegible] talis con-
tractus [illegible] damnum [illegible]
[illegible] pupilli [illegible]
[illegible] applicatur [illegible]

[illegible]

Ubi pupillus ab aliqua obligatione lib. rel.
vando debitum q. ex hic habet obligationem quia
pot pupillus facere sed non meliore
[illegible] tutore, [illegible] tm debitorem, imo [illegible]
ineat aliquem contractum onerosum pot alios
sibi obligare sed non se ipsum alteri [illegible]
ergo bene fallit illa regula iuris
[illegible] comparanda q debeat clandiere.
Verum tm e qd si ex pali contrahit
pupillus factus sit locupletior tenet
[illegible] auctoritate [illegible] alteri contrahenti
[illegible] [illegible] illa regula qd ne-
mo debeat locupletari cum alterius
iactura [illegible] [illegible]. [illegible] ad hoc ra-
tione [illegible] de solutione indebiti.
Hic quaeritur a D.D. [illegible] et quomodo pupil-
lus obligari possit [illegible] distinguunt plures
casus. [illegible] [illegible] impubes [illegible] proxi-
mior infantiae, [illegible] circa decimum an-
num cum dimidio in masculis et circa [illegible]-
midio in foeminis. ergo [illegible] non
obligari ex contractu [illegible] [illegible]
[illegible]:

naturaliter. circa quod advertẽ a iure
cognosci duplex obligatio, nempe civilis
et naturalis. civilis dicitur illa
per quam contrahens conveniri potest
apud iudicem et sub cogat adimplere;
[illegible] contrahentes naturalis vero illa,
quae licet habeat aliquam obligationem
[illegible] parit aliquos effectus, [illegible]
[illegible] in tractatu de obligationibus
[illegible] talis obligatio nec conveniri
potest nec in iudicio [illegible]. Divi-
sionem [illegible] quidam obligationem
naturalem [illegible] non [illegible]
intelligunt illa, quae [illegible] con-
veniri.

2 [illegible] con[illegible] [illegible] singulis [illegible] proxi-
mior [illegible] nisi si contrahat
[illegible] tamen nullo modo obligat
si [illegible] obligatur naturaliter [illegible] similiter.

Hic advertendum quod licet divisionem [illegible]
habeat [illegible], [illegible] aliquos omi-
ni

omni jure validos. In alijs aliquo
[illegible] actione legis nec [illegible] prohibitum
alios prohibet, [illegible] tamen aliquos
omnino irritat et annullat nec [illegible]
his saltem aliquam obligationem ut si con-
[illegible] de [illegible] contrahendum [illegible]
[illegible] Tutore et [illegible]. Quando autem
contractus ex lege publica confirmet
supposito juramento alibi dixi.
3 [illegible] quando contrahit contractu
[illegible] sine auctoritate tutoris, qui tunc
[illegible] obligatur et civiliter [illegible]
[illegible] dixi. Si [illegible]
[illegible] [illegible] ex tali con-
tractu habet a lege [illegible] resti-
tutionis in integrum [illegible] alibi [illegible]
[illegible] de venditione.
4 [illegible] quando accidit [illegible] auctori-
tate Tutoris [illegible] alienat res immobiles
pupilli vel mobilia [illegible] [illegible]
[illegible] hoc [illegible] auctoritate
Tutoris [illegible] [illegible] et [illegible]

aliter

alteri pupillus ad obligat. nat. naturaliter
ob rationem ad [illegible], ita [illegible] pupillus
est de regulis iuris [illegible]

[illegible] item [illegible] minorem
si contrahat sub ipso curatore, tali
modo obligatur [illegible] e de impubere
si [illegible] curatorem [illegible]
[illegible] ipse obligatur
naturaliter sed si [illegible] si tandem
contrahat simul [illegible] curatore obligatur
utroque modo [illegible] privilegio
[illegible] dicitur e de im-
pubere [illegible] curatorem [illegible]
[illegible] in consequentia [illegible]

Quaeritur [illegible]
[illegible]
[illegible]

Resp. [illegible]
[illegible] contrahat obli-
gationem [illegible]
[illegible] obligatio [illegible]
et [illegible] in [illegible]

[illegible]

Negant tamen hoc aliqui [illegible] de eo
quod [illegible] aequitate aut potius [illegible]
multi [illegible] (aliqui [illegible]) [illegible]
debeat [illegible] et consequens (interim et poena)
non usque ad [illegible] adeo sunt [illegible]
[illegible] ut unus [illegible] possit [illegible] alio s
[illegible]

2°. [illegible] dico consiliarii possunt [illegible]
obligari ad reparandum damnum quod [illegible]
[illegible] alteri [illegible] et [illegible] ad [illegible]
[illegible] [illegible] in [illegible] [illegible]
[illegible] obligationem habent [illegible] [illegible]
primam [illegible] [illegible] bonum [illegible]
[illegible] ad [illegible] officiales [illegible] et ad
aliorum [illegible] [illegible] [illegible]
[illegible] ad damnum [illegible] alteri [illegible]
[illegible] [illegible] [illegible] [illegible]
ad [illegible] [illegible] pro satisfactione boni [illegible]
ut dicunt [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] contrahit
obligationem naturalem ad [illegible] [illegible]
[illegible] quod contrahit [illegible] [illegible]

[illegible]

mitans in compl[illegible] quod [illegible] sed D. Th.
affirmant et [illegible] [illegible] habet et
[illegible] minore. [illegible] in [illegible]
[illegible] haec et admittunt D.D.
[illegible] et [illegible] nostri [illegible]
in [illegible] ob [illegible] Raimond.

Vide praeclare ut [illegible], nam nomen [illegible]
[illegible] est [illegible] [illegible] [illegible]
[illegible] alia [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] hic. Ratio [illegible] ex hoc,
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] aliquando nulli [illegible]
[illegible] [illegible] talis [illegible].
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et ut [illegible]
[illegible] ad [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]. Et hanc causam affirmant

DD.

[illegible] argumentis ad [illegible] contingentias.
3. [illegible] mobilibus [illegible] hic [illegible]
[illegible] additionibus [illegible]
[illegible] intelligendis [illegible] modum.
[illegible] [illegible] [illegible]
ab [illegible] completa [illegible].
Dicitur signa [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] contrariam [illegible] examinandam [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] habeant [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] contra
[illegible]
[illegible] [illegible] conditiones [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] ex proprio [illegible] [illegible]
[illegible]

longe [illegible] satisfaciant [illegible]
[illegible] [illegible] [illegible] 4.
[illegible] hoc fuisset [illegible] tempore [illegible]
[illegible] [illegible] quadraginta [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] contineo [illegible]
[illegible] [illegible] [illegible]
computatis [illegible] solum ibi dies,
qui [illegible] [illegible] [illegible]
[illegible] pro [illegible] continuo [illegible]
[illegible] [illegible]

E [illegible] Quaeritur an [illegible] habuerit [illegible]
[illegible] [illegible] [illegible]
examine de morbo [illegible]
[illegible] completo [illegible]
[illegible] [illegible] 20 an [illegible]
[illegible] obtinuerunt [illegible]
hoc [illegible] 29 [illegible]
solum [illegible] quadragesima [illegible]
[illegible] de quo [illegible] consulendi sunt
D.D.

Con-

Conced. necessario n. aliud [illegible] amagente
vel aliud. S[illegible] uno [illegible] [illegible]
tantum hereditatis donationis [illegible]
tione adhuc sit integra [illegible] [illegible] selet
[illegible] aliud [illegible] adeuntur et [illegible] heredi-
tatis [illegible] [illegible] [illegible] remanentiam [illegible]
[illegible] [illegible] vel [illegible] [illegible]
[illegible].

Ult° [illegible] quae dicta sunt superius de alienatione
rerum immobilium [illegible], [illegible] [illegible]
vel [illegible] [illegible] [illegible]. [illegible] [illegible]
[illegible] alibi alienata remanent adhuc [illegible] domi-
nio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
mobiles [illegible] [illegible] sunt [illegible] [illegible].
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
3° [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] 4°. [illegible] [illegible] [illegible]
[illegible] [illegible]. [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] dominium.

Praeterea [illegible] [illegible] dicta sunt [illegible] [illegible]

[illegible]

remissio [illegible] et si non possibilis [illegible] in iudicio quae cum si sine solemnitate vel Tutor [illegible] l. [illegible] C. eodem. [illegible] habeat Tutorem [illegible] debet [illegible] bus [illegible] vel Cognatos vel [illegible] [illegible] apud Iudicem ut det illi Tutorem [illegible] hoc [illegible] ex [illegible]. [illegible] de [illegible] applicandum [illegible] minoribus [illegible] nomine [illegible] vel [illegible] de [illegible]

[illegible] est [illegible] ad [illegible] contractum [illegible] consensum et authoritatem Tutoris [illegible] debet [illegible] [illegible] de Tutelis [illegible] sufficiat. [illegible] Tutor vel [illegible] consensum [illegible] talem contractum [illegible] et debet [illegible] a iudice [illegible]

e

ē etc. de judiciis. [illegible] ad § cum [illegible]
pot agit contra [illegible] his [illegible] [illegible].
[illegible] si contingat casus [illegible] his [illegible]
et [illegible] si pupillus habet plures tutores pot
unus ex his [illegible] ad si unus tantum debet
agere unum [illegible] [illegible] pupillo alium tutorem
[illegible] [illegible].

in Titulo 22 agit [illegible] de [illegible] [illegible].
ad hanc materiam [illegible] [illegible] [illegible] [illegible]:
de [illegible] reddenda à Tutore. de Obligatione
[illegible] [illegible] pupilli [illegible] ipsius [illegible] et [illegible].
[illegible] [illegible] bona Tutoris [illegible] [illegible] hypo-
thecam [illegible] his [illegible] [illegible] [illegible] omitto
et [illegible] [illegible] [illegible] [illegible] apud D.D.

Titulus 23.

De Curatoribus

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] materia [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
à [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sunt
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
ut [illegible] non [illegible] Tutoribus et Curatoribus [illegible]

[illegible]

nisi solus volens. 2.° v.ª Curator dat. aliquan:
do ad unam solam certam rem, vel litem vel nego:
tium, Tutor vero ad omnia. 3.° v.ª Curator d.
datur in testamento, tutor regulariter. 4.° v.ª
Cura durat etiam in masculo quam in foemina
usque ad 25 annum. 5.° v.ª habent Curatores
[illegible] alius sive specialis sive generalis
[illegible] d. habet locum in tutelis.

De effectu Curae, est ut potestas d. Curat. libere ad
[illegible] negotia illius [illegible] minor pubes factus quod
[illegible] admit. [illegible] Curat. [illegible] eum [illegible]. Cura
[illegible] [illegible] [illegible] D. D.

10.° [illegible] Si non dari d. Testamento [illegible] alius adul:
[illegible] mentis compos [illegible] dat. quamvis
[illegible] ut [illegible] moriens d. non disponere:
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] confirmanda est in judicio [illegible]
[illegible] confirmationem Curato. Ratione [illegible]
[illegible] [illegible] [illegible] [illegible]
quod [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible].

2.°

2.° Et licet ... posit dari nisi celebrationi tamen minori pot. dari et invitis. Ratio est, 1.º alias minoris rectenz nunc ut Autor sive Reus sine curatore et Iudeo vel frustra fiant litis. alii dari ita.

2.º Cum sit legitimus.

3.° Et tum ... habilitat ... tempore minoritatis ubi pro ... alias et Iudice minori gratis et sic ... maior ... minor ... pot concedi a Iudice minori ... habita prius ... informatione de ... habilitate ... concedi masculo habenti 20 annos et femine 18. ... venia conclusa ... minor ... et est restitutionis ... post obtentam veniam ... concedit ... alienatione ... Iudicis donec ... ad annum in l. 2.ª ... [illegible]

4.° ... Dari ... curator et maioribus ... minori ... alio modo ... stabiliant ... furiosis ... curatores ... communi ... [illegible]

...

successoris et in notans curatores [illegible] his
anno [illegible] vel [illegible] [illegible] aut a
judice. Conveniunt et diversi [illegible]. Quod
tutor habent aliquo impedimento temporali
ob quod non potest administrare [illegible]. Verum dilig.
[illegible] est quod tutor non potest dare alium tutorem
et curator potest constituere alium curatorem si
[illegible] sibi concessum fuit

Titulus 24

De Satisdatione Tutorum et Curatorum

Circa hanc materiam advertendum quod cautio duci
potest [illegible] modis [illegible] fideiussores, [illegible]
[illegible] et juramentum et [illegible] [illegible]
ubi materia potest [illegible] duobus modis [illegible]
cautio [illegible] [illegible] [illegible] [illegible] omnino
[illegible]. [illegible] uno ex [illegible] duobus [illegible]
[illegible] [illegible] a [illegible]. Cetera [illegible]
ad hanc materiam de satisdatione videri
poterunt [illegible].

[illegible] [illegible] usque ad [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] potius [illegible] ad ordinem [illegible]

[illegible]

substantiā suis sponte omitto remittendo
studioso discipulo ad D. Dy. hic vel ayunt
[illegible] [illegible] excusantis ad
perceptionē [illegible] [illegible] alimo
[illegible] [illegible], [illegible] [illegible] sanguinis.
P.ᵐ ad Scholares qui agunt in publicis Univer-
sitatib. Bononiensi, Patavinā &c. gaudent
multis privilegijs, et admittuntur in collegio
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] quinquennium absunt a studio
[illegible] [illegible] [illegible]
2.° ad mulier nupta habet 3 genera bonorum
1.° dotalia de quib. maritus est dominus
modo [illegible] suo loco. 2.° paraphernalia
et sunt illa quae non sunt aestimata
marito in dote, sed tantum in administratione
et sunt illa bona in [illegible] ad-
ministrare [illegible] plus familias. 3.° [illegible]
-natur quia uxor habet plenum domini-
um et administrationem sicut [illegible]
bonorum Castrensium vel quasi. De hoc 3.°
genere bonorum [illegible] [illegible] [illegible]

ex

ex prohibitione Legis civilis quod est prohibitum
ne creditor accipiat in usuras [illegible]
[illegible] quod habet [illegible] deponat
[illegible] [illegible] [illegible] nullo

3.° Ad quintum dico parasangam continet pedes
[illegible] pedes cum dimidio cubitos quinquies
[illegible] mille passus milliare italicum 3a
[illegible] leucam Gallicam et 4 milliaria
germanicam tandem 20 milliaria constituunt
dietam [illegible].

4.° Ad quartum ille dicit dolose [illegible]
scienter operari et continens [illegible]
culpa [illegible] [illegible] et civilis [illegible]
[illegible] [illegible] [illegible] tantum [illegible]
et [illegible] illius cautelae quae [illegible]
[illegible] [illegible] in emendis et vendendis [illegible]
[illegible]. Ac [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in jure civili [illegible]
[illegible] dolo [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
de contractibus.

Liber Secundus
Titulus Primus
De Rerum Divisione

Caput Primum continens ea quae sunt nota ad [illegible].

Superiori libro egimus de iure quod competit personis et de causis et modis illud acquirendi. In hoc autem libro agitur de iure in res et de Dominio ipsarum. Nomine autem rerum veniunt omnia quae cadere possunt sub nomine dominii et non solum res corporales sed et illa quae iure vocantur incorporales [illegible]. Dicuntur autem res incorporales illae quae non cadunt sub sensu sed mente tamen apprehenduntur ut sunt iura servitutum [illegible] nomina debitorum etc. hoc autem nomine debitorum veniunt [illegible] quae vel in libris vel chirographis continentur. Sed cum hic titulus [illegible] contineat plura ideo ad faciliorem intelligentiam dividimus in capita.

Res

Res in genere dividuntur primo in sacras quae
scilicet ordinantur ad cultum Dei et salutem
animarum et in profanas quae habent pro
obiecto bona corporis.

Profanae vero dividuntur primo in communes, publi-
cas, universitatis, nullius et singulorum. Per
Res communes in jure intelligimus illas quae deser-
viunt non solum homini, sed etiam animantibus, ut
aer, aqua, litora maris etc. Sed quamvis
licet [illegible] sit communis, continet tamen possessionem
particularem per appropriationem [illegible] facta
[illegible] [illegible] [illegible] continens [illegible]
praescriptionem temporis cuius [illegible] non
extat [illegible] seu particularis ita Respublica
Veneta praescripsit Dominium maris Adriatici
ita ut nemo [illegible] illud ~~navigare possit nisi~~
solvat [illegible] ipsi Reipublicae et Rex
Angliae praescripsit Dominium maris Oceani.

in 6 Dominio [illegible] [illegible] [illegible] quae
terminant [illegible] et [illegible] quae clauduntur [illegible]
[illegible] et portus [illegible] [illegible]
[illegible] sint tute a ventis et procellis.

Ripam

Differunt autem à [illegible] quod ista [illegible]
solis [illegible] · [illegible] [illegible] [illegible] [illegible]
· Et flumina [illegible] publica et privata. [illegible]
autem flumen [illegible] [illegible] publicum [illegible]
[illegible] ad navigationem [illegible] [illegible] flumen:
privatum vero [illegible] [illegible] flumen [illegible] alio no-
mine [illegible] · [illegible] [illegible] vel [illegible] [illegible]
· flumen [illegible] aptum [illegible] navigationem. · [illegible] [illegible]
[illegible] fluminis [illegible] [illegible] [illegible] [illegible]
· [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
· [illegible] · [illegible] · fluminis, [illegible] [illegible] [illegible] [illegible]
et [illegible] omnium [illegible] [illegible] [illegible] [illegible]
[illegible] flumen . . .

Circa dictum de fluminibus [illegible] [illegible]:
[illegible], [illegible] [illegible] omnibus fluminibus [illegible] [illegible]
[illegible] [illegible] omnibus [illegible] [illegible] [illegible]
[illegible] à Principe [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] vel [illegible] [illegible] [illegible]
[illegible] modo [illegible] [illegible] [illegible] [illegible] extra
nos [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] fluit [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

sentiat damnum quam patitur.

2º Si in ripa vero et publici fluminis sicut
et S. publicis viis quamvis incolae regalia
Principes dominorum illius loci aedificare molen-
dinum aut quidquid aliud vel licentia ipsius
Principis et [illegible] fluminis [illegible] hoc
[illegible] [illegible] hoc [illegible] praeiudicium alicuius
aedificii iam fabricati etc. quia nunquam [illegible]
[illegible] aquam non diverti ne defluat ad mole-
ndinum [illegible] [illegible] aedificatum. [illegible] hoc
solum [illegible] praeiudicium [illegible] homines a
[illegible] molendino [illegible] [illegible] nullo modo
[illegible] nisi [illegible] [illegible] aedificii per-
ceptione privilegium [illegible] [illegible]
[illegible] aedificare ac fabricare aedificium talis
[illegible] [illegible] [illegible] consuetudo illius
Provinciae [illegible] [illegible] demandato [illegible]
datur de aliis [illegible] aedificiis [illegible]
[illegible] ad [illegible] publicum [illegible] [illegible]
[illegible] [illegible] contrarium.
[illegible] ad [illegible] singulorum.
[illegible] [illegible] [illegible] [illegible] [illegible]

contrare

contrá [illegible] quod bona civitas simul collecta et conservanda [illegible] quidam ex Dominis [illegible] seu ad singulos [illegible] [illegible] [illegible] [illegible] universitatis [illegible] [illegible] nec [illegible] [illegible] singulis [illegible] nec [illegible] debet singulis [illegible]. Ex hoc sequitur quod pro [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] nec pro [illegible] civitatis [illegible] [illegible] [illegible] bona civitatis [illegible] si ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ut [illegible] [illegible] [illegible] [illegible] sed solum [illegible] [illegible] D. D. [illegible] et [illegible].

Hic [illegible] a D. D. [illegible] [illegible] [illegible] [illegible] [illegible] sive [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] D. D. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de bonis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] civitatis [illegible] [illegible] [illegible] [illegible] [illegible] cum [illegible] [illegible] habere et [illegible]

si vero non participant ut de reliquis vestib.
ceremoniis [illegible] &c. tunc [illegible] esse res-
res.
Quod attinet ad res quas Nulleus dicunt sunt in
duplici genere aliae n. sunt capaces pro-
prietatis Dominii, aliae vero incapaces ut
sunt omnes res sacrae, quae vero sunt in
supplici [illegible] ad aliorum [illegible] antecessor.
[illegible] sunt [illegible] et
consecratae ut [illegible] calices
et alia huiusmodi aliae vero sunt tales
solum constituuntur ut sunt illae quae
ex natura sua sunt profanae sunt tamen
convenientes vel saltem destinatae in usum
ministrorum ecclesiae ut Domus, media,
[illegible] conditionem [illegible] &c. Circa quae
[illegible] huiusmodi [illegible]
[illegible] hoc. [illegible]
2° [illegible] huiusmodi [illegible]
[illegible] et [illegible]
[illegible] [illegible]
[illegible] [illegible] secundo
simoni

seruari possunt [illegible] dicto [illegible] mona-
sterio [illegible] [illegible] debeti [illegible] [illegible] [illegible]
aliterqui ita l. [illegible] [illegible] [illegible]
2.° [illegible] huiusmodi [illegible] exempti [illegible] ab omni
[illegible] Seruitium [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible].
ita [illegible] [illegible] [illegible] C. [illegible] et
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] huiusmodi [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] C. de
sacrosancta [illegible]. Insuper [illegible] [illegible]
[illegible] [illegible] Canonicis [illegible] [illegible] clerici
[illegible] possint [illegible] [illegible] [illegible] ex [illegible]
[illegible] [illegible] [illegible] Regionibus [illegible]
[illegible] [illegible] contrarium.
[illegible] [illegible] alicui casus [illegible] [illegible] [illegible]
huiusmodi [illegible] [illegible] Christianus Contius
[illegible] [illegible] ita [illegible] ad [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] monasterij et [illegible] [illegible] [illegible] hoc

hoc fuit [illegible] [illegible] melius. In his tamen
[illegible] [illegible] [illegible] huiusmodi bona
[illegible] [illegible] beneficiati et ordinarij loci
[illegible] [illegible] immobilia [illegible] [illegible] [illegible] [illegible]
que [illegible] possunt [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] prohibita
et locatio [illegible] [illegible] aliorum bonorum ecclesias-
ticorum [illegible] [illegible] [illegible] prohibetur in [illegible]
[illegible] locare [illegible] [illegible], et ad diuturnum
tempus [illegible] ad totam [illegible] vitam dummodo
hoc [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] consilium

[illegible] [illegible] sunt [illegible] [illegible]

C. [illegible] [illegible] illa que sunt particula-
[illegible] [illegible] [illegible] habent dominium illarum
[illegible] [illegible] [illegible] dominium [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] quam definitione [illegible] sunt
[illegible] [illegible]

C. [illegible] [illegible] [illegible] particularis definitionis
[illegible] fuit [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

jus

tus q. re. supponit dominium ipsius rei et
actualem possessionem ea quo i. possit alienationi
supplere seu [illegible] disponendi modo [illegible]
et de not. iure e. Salus definitio. dicens
ad rei sit alio nomine utrumque ad personas
d supponit dominium eiusdem rei sed tantum
iusta et legitima facultate illud possidendi
2.° Et hec definitio convenit et usus incorporalibus
ut dicendo [illegible] supponi ad principium [illegible]
us sed tantum recti comprehendit et pos-
sessione [illegible] definitio dicis intellendi rei eius
dominio et facultate disponendi de re possessa
sed de hoc alibi.
3.° Et addit [illegible] definitione nisi lex prohibeat
q.e sunt aliquae personae [illegible] quod licet habeant
dominium rerum suarum et [illegible] tamen non
plenam eo sit a lege prohibeantur dispo-
nere sine alienare ut pupilli et prodigi [illegible]
quod attinet ad dominium cuius definitionem
[illegible] absolvimus dividitur p.° i. directum [illegible]
dominium utile [illegible] superius et pro-

prietarium

quitanium et d. indirectum quod vocatur inferius
seu utile, quale habent Vasalli Vectigalarij
Emphyteutae: Recipientes pensiones &c.
Hoc autem dominium dicunt feudale et emphyteuticum
est quod minus et d. utile dicimus vocatur
imperfectum et utile quod in dicendiis con=
solidari utile et directum dominium.
2°. d. proprium quale habet unus Dominus
et d. imperfectum quale competit Domino
Temporali qui emit vel emit vel dono ac=
cepit vel alio modo acquisivit ab eo qui
non erat Dominus accipiens tamen praecariè eius
sc. Domini, qui d. dicitur vocatur titulus
Coloratus.
Hoc autem dominium originem habet a iure Gen=
tium quod ordinavit rerum divisiones nam a Deo
et a natura omnia sint condita et sub=
iecta ad unum hominem communem approbante Deo
et ipsa L. naturali hanc divisionem et pro=
hibente usurpationem rerum alienis extra casum
extremae necessitatis in quo vult omnia iudicium esse
communia.

nam

Modi acquirendi hoc dominium qui aliunt sunt
iam introducti à Iure Gentium postea intro=
ducti à Iure Civili. sed [illegible] [illegible]
ad acquirendum dominium alicuius rei duo
requiruntur. nempe titulus et possessio. Domi=
nii titulus [illegible] ratio illa per quam domi=
nus transit de uno in aliud [illegible] [illegible] Per=
mutatio. donatio [illegible] [illegible] titulus, sed hic verò
iustus debet [illegible] [illegible] [illegible] à [illegible]
[illegible] Titulus duplex est [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] bona fide accepi ab eo [illegible]
Dominus et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] alienare [illegible] [illegible] [illegible] [illegible] transfert
[illegible] dominium illius [illegible] [illegible] [illegible] illa [illegible]
iuris [illegible] [illegible] [illegible] iuris [illegible] [illegible]
L3 [illegible] quod ipse habeat [illegible] [illegible]
[illegible] habet.

Ad [illegible] in [illegible] illa [illegible]
Regi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ac=
quirendi dominium [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

q̃ gradu(m) cuius fictione(m) [illegible] contingit in reb.
istis obliq. et in ult. i [illegible] duo concurrunt
traditione(m) [illegible] [illegible] [illegible] [illegible] [illegible]
et aliud in possessionib(us) aut praedijs et [illegible]
in beneficijs etc.

Hoc contrario dividitur in naturale et civile: Naturalis
convenit in corporali et Reali rei apprehensio,
ut nunc [illegible] [illegible] [illegible] modo simplex dicto.
Civilis vero convenit eadem voluntate et
intentione possidendi [illegible] et [illegible]
sibi ipsius dominium. Ad acquirendum autem
rei dominium omnino requiritur naturalis
[illegible] aliud sufficit Civilis [illegible]
Dicunt aliquis similiter [illegible] [illegible] [illegible]
illius rei dominium acquirat [illegible] hoc
[illegible] aliud [illegible] [illegible] alium et [illegible]
[illegible] dominium sive [illegible] implicat esse
in duab(us) [illegible] sicut nec duae personae
[illegible] [illegible] eodem modo concurrere [illegible].

Super [illegible] conditione [illegible]
[illegible] [illegible] [illegible] [illegible] usque ad [illegible]
[illegible]

Dicendum est sup[er]est plures esse modos acquirendi dominium [illegible] [illegible] [illegible] [illegible] [illegible] nullius [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dicendum [illegible] [illegible] [illegible] dicendum.

Quaeres 1o [illegible] ex [illegible] [illegible] [illegible] [illegible] [illegible] capientis [illegible] novo capienti [illegible] [illegible] [illegible] [illegible] [illegible] occupantis.

Q. 2o Quando fera fuit ab uno vulnerata et ab alio capta, si vulnerans eam persequatur [illegible] probabilius [illegible] capienti [illegible] [illegible] ab alio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] vulnerans [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

3o.

3° Ad quaestionem nostram an aucupium et
venationem uti possit praedii sui hoc prohibere
ut a Principe Domino illius loci? Potest
facere hoc, sibi in praedio alicuius non pro-
hibitum. Domino [illegible] et [illegible] habere
facultatem hoc faciendi imo et volendo vendere
[illegible] venationem et aucupium non prohibi-
tione nostra communi [illegible] et [illegible]
[illegible] [illegible] [illegible] aliquo con-
[illegible] communi [illegible] Venatione
[illegible] [illegible] [illegible] praecipuas hoc
[illegible] [illegible] [illegible] [illegible] ad ac-
cipiendi [illegible] fundi debet [illegible] damnum
Domini et [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

... autem mancipia et domestica à nullo
... possunt nisi invito Domino et si evadant
sunt omnino restitutioni obnoxia, et ubi quo
Dominus retineat animum ea possidendi.
De animalibus verò idem dicendum est quamdiu
permanens sub potestate Domini et si habeant
consuetudinem recedendi ab eius domo, tamen rede-
unt more sideremi quod si amisserunt pos-
sunt ab alijs occupari.
2.° ... alieno artificio allicere colum-
bas alienas columbarij ... comino ... tamen
... bene nutriendo ... esto
... alias et columbas
3.° ... verò attinet ad ... quod ... aiunt
... modo ... sunt domestica ...
in hac Regione ... de ... ...
... verò ... i Columbarios ...
... incipio ... inter D.D. an
... sit eas retinere ... affirmantibus alijs,
... negantibus alijs ... et affirmantibus
... illud ... Dominus eas ... pro...
... campos et ingluvi, quot ... requirit

4.° Qd attinet ad apes q. sunt aliquando, ut accidit in plurib. Regionib. septentrionalib. ut Lituania Mus-covia &c. Dicendum est eadem de apib. et feris q. nullius sunt alicuius, ut contingit in nostris Regio-nib. q. nidificant in alicuius fundo tot dominus eas capere ubicumq. sint, nec tot dominus fundi illud prohibere nisi adsit incommodo sui contractus.

5.° Dicendum est supra, qd antea mansueta, et domestica a nemine capi possunt quamdiu Dominus reti-net animum ea recuperandi, advertendum est, qd talis ani-mus colligitur ubi est, qdo facit aliquid inquisitione si nullam diligentiam deposuit. Haec Doctrina maxime advertenda, et observanda est, quia debuit ad illum alio casu ut ad res perditas ad merces iectas in mare in tempestate alleviandae navis obru-tas [illegible] idea q. a fluminib. maxime in regionib. allu-vionib. aliisq. eruuntur ut arbores, antea &c. et in aliis et similib. casib.

6.° Qd tantum in bello iusto q. alio nomine vocantur spolia retinent et fiunt capientis et sicut a mi-litib. capta sunt, ita a nobilib. eodem modo di-cendum est de iis q. milites contra iniuste capiunt

iniuste

iniuste a ab his et de manu ipsorum eripiant si
tali casu ad sunt restituenda priori domino sed
possunt sibi retinere.

Tit. Dig. [illegible] D.D. agunt de alluvione fluminis
et de modo acquirendi dominium propter ipsas di-
cunt q° ut [illegible] terram et [illegible] a fundo su-
periori [illegible] fluminis detractis et adiunctis fundo inferiori
per dominium fundi inferioris [illegible] totum simul et
in magna quantitate dominium non mutat quando pro-
[illegible] [illegible] sicuti [illegible] arbores ligna et
[illegible] [illegible] flumen in plerisque fundis [illegible]
[illegible] exigitur [illegible] absoluta [illegible]
longo tempore [illegible] remansit posteriori fundo
[illegible] iudicandum deberet alicuius [illegible]
[illegible] [illegible] et consuetudine [illegible]
semper [illegible] sunt [illegible]
[illegible] [illegible] fluminis [illegible]
[illegible] proportionis ad [illegible] et [illegible]
[illegible] [illegible] ubi [illegible]
vio fluminis [illegible] aequaliter dividitur a [illegible]
tunc [illegible] dividendum inter [illegible] ex [illegible]
[illegible] fluminis.

Si contingat flumen relinquere unum alveum vel
iterum illud fit minor ad ratam minutam ut
et dicendum est quotiescumque contingat relinquere
posteriorem et reassumere priorem ripam illud in-
cumbit, cessante inundatione, remanet illius cuius
prius erat

Dicendum est sup.[a] inter alios modos acquirendi domi-
nium numerari et inventionem scilicet ut inveniendo
ut res in invenimus vel nullius fuerunt in domi-
nio alterius vel fuerunt quidem sed dominus
habet eas pro derelictis de delictis [illegible]
ad indicare debet dicendum est imprimis, cum examen-
[illegible] res quas moraliter est impossibile recupe-
rare 1.2. si piscator aliquis uniones inveniat
in mari vel alio modo in terra eruere
[illegible] ut angelus [illegible] de
[illegible] rei dominium fieri [illegible]
his id supra dictum est.

Sic illud quaeritur de rebus quae certum est fuisse in
dominio alicuius sed ille casu amisit et tamen re-
tinet animum conveniendi si inveniret probat [illegible]
quas eundem ab inventore adhibendas esse

omnem

omnes hominib. diligentia ac inuentione [illegible]
dominus que in ministeriis inuenit ut [illegible]
probabilis opinio est affirmantium posse dimidium
[illegible] ecclesiae vel
pauperib. ut alij D.D. [illegible]. [illegible]
[illegible] bona fide contractis si vero
mala fide omnino [illegible] ecclesiae
vel pauperib. [illegible] [illegible] iniquitate.
[illegible] ad Thesauros. Definit. Thesaurus vetus
pecuniae depositio cuius memoria [illegible] et
dominus ignoratur: vel pecunia [illegible] do-
minis [illegible] tempore absconditae [illegible] 1. unica
[illegible] de Thesauris. [illegible] definitione [illegible]
quod pecunia [illegible] inuenit [illegible]
[illegible] Thesaurus [illegible] si [illegible]
[illegible] vel [illegible]
esset [illegible] pecunia [illegible]
[illegible]
[illegible]
[illegible]
[illegible] vel [illegible]
[illegible] probabiliter [illegible]

[illegible]

nec rerum [illegible] ratio est, [illegible] nullus aliorum
qui illas res possidebant habet dominium il-
lius rerum [illegible] tot etiam dominium [illegible]
possessionem [illegible] possessio [illegible] ignorantia rei
[illegible] [illegible] eo quod requiritur [illegible]
[illegible], quae consistit in voluntate [illegible]
at [illegible] [illegible] [illegible] [illegible]

De thesauro [illegible] [illegible] est [illegible] si inveniatur
[illegible] maleficia et incantationes [illegible] hic et
[illegible] [illegible] thesaurus. Si [illegible] [illegible]
[illegible] modo hoc accidat fit inventoris [illegible]
[illegible] est et [illegible] habeat alium dominum [illegible]
Si tamen inveniatur ab habente dominium [illegible]
medietas debetur habenti utile dominium. Si
[illegible] inveniat in fundo [illegible] habet
[illegible] [illegible] accidat [illegible] opera totus
thesaurus debetur domino [illegible] in casu
[illegible] est [illegible] [illegible] [illegible] [illegible]
est [illegible] [illegible] alieno [illegible]. Si [illegible]
in loco [illegible] inveniens medietatem [illegible]
[illegible] [illegible] opera [illegible] debetur domino
[illegible] [illegible] [illegible] [illegible] inveniatur

[illegible]

[illegible] [illegible]

C[illegible] sunt [illegible] iure [illegible]. De iure [illegible] [illegible] [illegible] [illegible] [illegible]. Per [illegible] quare [illegible] [illegible] [illegible] [illegible] opera [illegible] [illegible] manifeste [illegible]. [illegible] [illegible] [illegible] consuetudine [illegible] [illegible] abstractione [illegible] modo [illegible] et sub [illegible] dominio [illegible] Ratio [illegible] [illegible] Thesaurus [illegible] bonis [illegible] sub dominio alterius est [illegible] [illegible] occupantis [illegible] [illegible] [illegible] et annuatim [illegible] [illegible] [illegible] Thesauri.

Caput Quintum contrarii
Doctrinam [illegible] aliena [illegible]
[illegible] [illegible] Domino

In hoc [illegible] [illegible] ab [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ex aliena materia [illegible] [illegible] [illegible] ex alio [illegible] argento vas et aliena [illegible] ex aliena farina panis [illegible] [illegible] materia [illegible] [illegible] bona fide aut mala [illegible] materia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] panis [illegible] [illegible]

[illegible]

fit operatio si bona fuerit omnes enim teneat tamen vol:
untate proptam materie cui minus est ita l. de eo et
singulis (g) ad exhibendum. ...

Idem dicendum esse de actionibus confusione quod ... .
[illegible] ... ... [illegible]
... vel uno alieno ita ... [illegible]
totis utimibus fit misceatis ... tamen ut si hoc ...
erit bona sed tenias ... [illegible]
... si erit mala ... ... [illegible]
materia, que mixta ... ...

... modus est ... ... [illegible]
scripta habemus ... ... [illegible]
... ... [illegible]
... ... [illegible]
... ... si haec sit bona
... ... [illegible]
... ... [illegible]
... ... [illegible]
... ... ita l.
... ... [illegible]

2° ... ... [illegible]
... ... mala ... ...

hōrē materię et habet [illegible] contra [illegible]
[illegible] gĕtiss [illegible] bonum [illegible]
omnino [illegible] tamen [illegible]
terię et [illegible]
tione [illegible] habet [illegible] arbor [illegible]
confinio [illegible] ad utrumque [illegible]
[illegible] omnes [illegible] uno [illegible] et
alio habeat [illegible] illius ubi [illegible]
[illegible]. Pot tamen ille [illegible]
[illegible] ramos [illegible]
[illegible] et [illegible]
auctoritate [illegible] intimatione
[illegible] et [illegible] arbor [illegible] fructus qui
cadunt [illegible] Hęc omnia [illegible]
à [illegible]
[illegible] communi [illegible]
[illegible] sensationē [illegible]
za charta.
[illegible] in aliqua tabula et de [illegible]
[illegible] propria [illegible]
e contra et [illegible]
[illegible]

[illegible] [illegible] [illegible] 2a. [illegible] [illegible] est
[illegible] [illegible] accidentis et [illegible] principalis [illegible]
[illegible] [illegible] [illegible] maioris valoris et sic
[illegible] adiudicando [illegible] illi [illegible] [illegible] acce-
[illegible] illius maioris valoris [illegible]. Reliquo
[illegible] [illegible] [illegible] de [illegible] [illegible]
[illegible] [illegible] etc.

[illegible] [illegible] contrariis [illegible]

[illegible] Domino [illegible] [illegible] [illegible]

[illegible]

[illegible] hoc [illegible] [illegible] de acquisitione [illegible] [illegible]
ad alienis [illegible] [illegible] [illegible] contingat [illegible] et bo-
na et [illegible] [illegible] [illegible] examinandum [illegible] hoc [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] hoc [illegible]
[illegible] [illegible] [illegible] [illegible] et canonicis
[illegible] [illegible] doctrinas [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] intelligentis
[illegible] [illegible] [illegible] [illegible] et colligen-
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]

2.° [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible] rerum [illegible] ut sunt aedificia
domorum, cetera etc. In naturales [illegible]
[illegible] terra [illegible] industria ut sunt
fructus arborum. Et industriales sunt mixti ex
[illegible] ex [illegible] concurrit na-
tura et cultura [illegible].
Dividuntur 2° dicti fructus [illegible] collectos
vel collectos ex [illegible] qui adhuc pendent
[illegible] [illegible] sunt collecti. Percepti
autem vel sunt consumpti vel extantes.
Possessor item huiusmodi fructuum est bonae fidei
vel malae vel mediae [illegible] bonae
fidei et postea evasit malae vel e contra.
Dicitur autem malae fidei ille qui cum conscientia
vel scientia vel dubio probabili rem esse ali-
enam. Bonae autem fidei qui absque talis con-
scientia vel dubio [illegible] [illegible]
Dicendum [illegible] possessor bonae fidei [illegible]
cognitionem rei esse alienam [illegible] re-
stituere [illegible] fructus [illegible] [illegible]
[illegible] ut [illegible] dicendum [illegible] sunt
[illegible] [illegible] [illegible] ratificationem.

C. 1. Debet restituere fructus perceptos si adhuc extant,
si vero consumpti fuerunt quatenus ex his
factus est ditior. Ditior autem fit
vel directe vel indirecte parcendo rebus suis oc=
casione alterius. Hoc autem verum est, quando [illegible]
[illegible] habuit titulum [illegible] si habuit [illegible]
ad [illegible] in [illegible] bonae fidei ex eodem.
In foro tamen conscientiae tenetur ad consumptos
si ex his factus est ditior, ut praedictum est,
modo infra explicando.
[illegible] Dico [illegible] [illegible] [illegible] licet consentiat
[illegible] [illegible] male [illegible]
[illegible] probare [illegible]
[illegible]
[illegible] ante [illegible] contestatam [illegible]
[illegible] condemnatur [illegible] ad restituendos [illegible] fructus
[illegible] contestationem [illegible]
[illegible] conscientiae [illegible] male fide [illegible]
vel quos [illegible] ex [illegible]
[illegible] [illegible].
[illegible] male [illegible] a [illegible]
[illegible] [illegible] habet
[illegible]

[illegible] in lato. [illegible] no-
mine [illegible] ut accepit a [illegible]
[illegible] improbabile [illegible]
[illegible] qui [illegible] consensu bono
fidei [illegible] Dominus [illegible]
[illegible] Impossibilia [illegible] obligatio [illegible]
[illegible] omnium [illegible] et [illegible]
[illegible] naturali [illegible]
[illegible] [illegible] ex-
[illegible] obligantur
[illegible]
[illegible] conventi-
[illegible] nulla [illegible] obligationes [illegible]
[illegible] inter natu-
rales [illegible] vocant illos [illegible]
[illegible] habet [illegible]
natura [illegible] obligationem [illegible]
[illegible] industriales [illegible]
[illegible] et [illegible] bene [illegible] obligatio
ad omnia [illegible]
[illegible] bonae fidei [illegible]
[illegible] [illegible]
131 [illegible]

alijs et his ex [illegible] [illegible] factus complicior
[illegible] quos [illegible]
[illegible] nullus [illegible] [illegible] [illegible]
[illegible] male [illegible] [illegible] indispicien-
[illegible] adiudicationis [illegible] omnium
[illegible] habeat [illegible] [illegible] [illegible] in
omnia damna [illegible]. [illegible] contro-
versia inter illos [illegible] [illegible] col-
[illegible] et [illegible] [illegible] fructus [illegible]
[illegible] male [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ma-
[illegible] Domini.

[illegible] occasione [illegible] D. D. ad [illegible]
[illegible] [illegible] mortis [illegible] [illegible]
[illegible] ad [illegible] et respondit [illegible]
[illegible] [illegible] fructus omnes [illegible]
[illegible] [illegible] ut [illegible] col-
[illegible] [illegible] spectant ad [illegible]
[illegible] [illegible] [illegible] sunt a solo [illegible]
[illegible] omni [illegible] spectant ad [illegible]
[illegible] vero domus [illegible] [illegible]
sunt inter [illegible] [illegible] [illegible]. [illegible]

[illegible]

Doctrina [illegible] iubet [illegible] beneficiis [illegible]
[illegible] sunt [illegible] [illegible] [illegible]
et successori. In hoc [illegible] [illegible] [illegible]
omnes fructus [illegible] [illegible] [illegible] sit
collecta [illegible] [illegible] ad [illegible] [illegible]
beneficij [illegible] [illegible] fructus.
4. [illegible] sunt [illegible] [illegible] [illegible]
[illegible] [illegible] in [illegible] [illegible]
in [illegible] [illegible] [illegible] qui [illegible]
sunt [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] determinatas [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] ut [illegible]
[illegible]
5. [illegible] [illegible] [illegible] [illegible]
aliquas [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] integre [illegible]
[illegible] in [illegible] [illegible] [illegible]
3. [illegible] [illegible] [illegible] [illegible]
[illegible] de [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] qui amovitis et in neque [illegible] incorpo-
ratis [illegible] ultra [illegible] domini [illegible]
4. [illegible] e [illegible] [illegible] et
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] et si prior dominus amittit ius
[illegible]
[illegible]
[illegible]
[illegible]
7.° dicendum est [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] in comitto [illegible]
[illegible]
[illegible]

[illegible] magis [illegible] et se [illegible] [illegible] dos
[illegible] Testamentum spectat et in [illegible] ad [illegible]
ita ut 2a in [illegible] et [illegible] contra. Pariter
[illegible] est in dicto [illegible] ut facti eius inventor [illegible]
[illegible] si [illegible] [illegible] retineat ut defunctus esse et
si falsus videtur vel in [illegible] [illegible] [illegible]
et consequens potest procedi contra istum
[illegible] [illegible]. [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] Dominus [illegible]
[illegible] [illegible] [illegible] reddendum est [illegible] [illegible]
[illegible] in suo conscientia quia est [illegible]. [illegible]
[illegible] dicitur [illegible] habeat ut Dominus rei [illegible]
[illegible] de [illegible] [illegible] de [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] illius [illegible] nisi [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] est [illegible] ad hoc [illegible] [illegible] [illegible]
[illegible] est [illegible] [illegible]. [illegible] omnes
[illegible] [illegible] [illegible] salvandi [illegible] [illegible]
[illegible] [illegible].

Titulus ~~[illegible]~~ Tertius.

De Servitutibus.

Tantis [illegible] [illegible] [illegible] in modo acquirendi domi-
nium rei [illegible] ac res incorporales et [illegible]
[illegible] servitutes [illegible] vertinas acqui-
[illegible] [illegible] in res alienas.
[illegible] sit [illegible] servitus [illegible]
[illegible] [illegible] ut sunt [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] de [illegible] [illegible]
[illegible] 2. [illegible] [illegible] [illegible] persona [illegible]
[illegible] servitus alicuius rei [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] de [illegible]
rei [illegible] [illegible] 3. [illegible] servitus [illegible]
[illegible] se persone [illegible] [illegible] [illegible] et
[illegible] [illegible] ipsa. 4. [illegible] servitute
[illegible] [illegible] alteri. 5. [illegible]
alteri [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] servitus [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
minus et [illegible] [illegible] [illegible]
cui alteri dominus [illegible] servitus. [illegible]
[illegible] [illegible] omnium [illegible] [illegible]

[illegible] in [illegible] [illegible]
[illegible] remanet in [illegible] [illegible]
[illegible] [illegible] [illegible] ex [illegible]
[illegible] [illegible] omnino [illegible] suo [illegible]
[illegible] [illegible] [illegible] romanorum [illegible]
[illegible] [illegible] ex alius [illegible]
[illegible] [illegible] [illegible] omne.
[illegible] [illegible] Rustica et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ad usum [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
nominandi [illegible] [illegible] [illegible] [illegible] Romae
[illegible] [illegible] [illegible] [illegible] urbana et
[illegible] [illegible] verborum [illegible]
[illegible] [illegible] [illegible] desinentes [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] totum
[illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] casus [illegible].
[illegible] [illegible] [illegible] in nomenclatura [illegible] [illegible]
[illegible]

pr[illegible] nomen [illegible] infra [illegible] et inominat[illegible]
[illegible] dicit [illegible] habet nomen sicut [illegible]
[illegible] servitutum [illegible] non habet nomen [illegible]
sed [illegible] et [illegible] servitus sicut et
[illegible] contra[illegible] [illegible] alia habent nomen
proprium aliqu[illegible] [illegible] inominati.
[illegible] nomen proprium sunt [illegible] [illegible] fregend[illegible]
[illegible] [illegible] [illegible] ex [illegible] [illegible]
[illegible] itaque infra servitus [illegible] notandum. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible], et
[illegible] [illegible] item [illegible] et [illegible] [illegible] et
[illegible] ita [illegible] et l. [illegible] [illegible]. 2°
[illegible] principio constituto [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ex [illegible] [illegible] habere [illegible]
[illegible] ita [illegible] [illegible] fuit [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]. 3° [illegible] nihil de hoc convenit [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] ita [illegible] [illegible] [illegible] [illegible].
[illegible] et [illegible]. [illegible] verba contrahentium [illegible],
non [illegible] [illegible] [illegible].

d.°

4. [illegible] servitute [illegible] pot [illegible] [illegible]
[illegible] [illegible] impediat [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] obstaculo sicut [illegible] [illegible]
[illegible] [illegible] ab alio [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ad [illegible] urbanis sicut [illegible]
[illegible] dicta sunt de mutando [illegible] mutando
[illegible] [illegible] [illegible] [illegible] sicut
et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible].

2. [illegible] [illegible] [illegible] actus [illegible] [illegible]
[illegible] agi et iumentum et [illegible] [illegible] [illegible]
[illegible] in l. [illegible] [illegible]. latitudo autem
cuius actus in [illegible] [illegible] n est determinata [illegible]
[illegible] [illegible] [illegible] [illegible]

3. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible].
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

in sumptibus [illegible] eiusdem [illegible] ratis [illegible] sit
mensura [illegible] dicitur [illegible].

Et dico quod [illegible] casu [illegible] eidem [illegible]
[illegible] publicam [illegible] ad supremum Principem
[illegible] [illegible] [illegible] quocumque [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
in generali constitutione [illegible] de illis [illegible]
[illegible] ex [illegible] [illegible] D. D. quod si aliter, [illegible]
[illegible] [illegible] et [illegible] [illegible]. [illegible]
si contingat [illegible] [illegible] [illegible] [illegible] delicti
[illegible] [illegible] publicam cognitio eius delicti
spectabit ad supremum Principem [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
publica [illegible] [illegible] tunc cognitio [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible]
dicendum [illegible] [illegible] [illegible] [illegible]
Principis.

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ad [illegible] [illegible]
[illegible] inveniendi [illegible] [illegible] constat [illegible]
[illegible] [illegible] [illegible] aliud admittendum
[illegible] [illegible] [illegible] [illegible] actum [illegible]
[illegible]

[illegible] [illegible] [illegible] vivi comitẽ [illegible]
ut [illegible] [illegible] et convenit etiã [illegible]
[illegible] [illegible] alterius ad eos [illegible]
q. a nõ veniũt [illegible] facere sed [illegible]
et si forte [illegible] [illegible] [illegible] et
[illegible] habere [illegible] actiuã [illegible]
[illegible] [illegible] [illegible] pro ea [illegible]
[illegible] [illegible] [illegible] [illegible] imperij
et [illegible] aliquo. eius dõmino ita [illegible]
de servitutib. [illegible] adulterium [illegible] omnes
[illegible] dominantes [illegible] omnis [illegible] [illegible]
de [illegible] [illegible] prius.
1a Servitus [illegible] aquaeductus [illegible] [illegible]
hoc qd quis [illegible] [illegible] aqua ex suo
vel [illegible] [illegible] alterius pro commodo [illegible].
alterius fundi [illegible] [illegible] [illegible]
de aquis.
2a Servitus [illegible] pastus [illegible] ius [illegible]
alterius [illegible] [illegible] requiruntur 1o [illegible]
[illegible] [illegible] [illegible] habeat et [illegible] [illegible]
ut [illegible] [illegible] [illegible] [illegible] sola [illegible]
[illegible]. 2o [illegible] [illegible] [illegible] nomine [illegible]
[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible].

[illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] habet [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] statu [illegible] pristinum. Ratio [illegible].

[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

(P.ª

[illegible] similis [illegible] si [illegible] contingit
[illegible] parietes vel columnas aliquas sustentat
[illegible] vel [illegible] [illegible] ...
[illegible] [illegible] [illegible] [illegible] ...
[illegible] [illegible] tanto [illegible] columna et [illegible]
[illegible] [illegible] [illegible] interim [illegible] ad
[illegible] [illegible] spectant ad habendam
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] hoc et [illegible] [illegible] [illegible]
[illegible] divinis [illegible] divinis [illegible]
[illegible] aliqua [illegible] vel [illegible] vel [illegible]
[illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] est

2.ª notandum [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] omnia [illegible] ad [illegible]
dificandum [illegible] [illegible] [illegible]
[illegible] habent [illegible] [illegible] [illegible]
[illegible] significationis [illegible] hoc [illegible]
intelligunt [illegible] [illegible] nisi [illegible]
[illegible] [illegible] similis [illegible]
[illegible] hoc [illegible] [illegible] potest [illegible]
[illegible] [illegible] [illegible] [illegible] vel
[illegible] [illegible] ut ab eo [illegible]

[illegible]

ut ad ea instetetur, et iq:
uiescat, ita l: ēnitus, [illegible]
[illegible]
3. a seruitus uocatur [illegible]
quæ duplex ē affirmatiua [illegible]
[illegible] quā aliquis ē domi
nus [illegible] et ē suo [illegible], potest
[illegible] et [illegible], aquā
pluuialem in tectū uel [illegible]
alterius. 2ª ē negatiua per
quā prohibetur [illegible]
[illegible] non possit non
[illegible] uel [illegible] illā
quando id [illegible] in com:
modū et utilitatem domi:
nantis, [illegible] gratia [illegible] implen:
dā eius [illegible]

4ª

4.ª [illegible] alterius tollendi [illegible] [illegible] [illegible]
affirmativas [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] alterius tollere [illegible] [illegible] et [illegible] [illegible]
[illegible] alterius tollere [illegible] [illegible] [illegible].
[illegible] [illegible] adverte[n]dum [illegible] licet [illegible] [illegible] [illegible] et [illegible]
annos [illegible] [illegible] [illegible] [illegible] [illegible]
educando [illegible] [illegible] [illegible] [illegible] [illegible] vel
[illegible] vel domum [illegible] [illegible] hoc [illegible]
[illegible] [illegible] [illegible] ac hoc [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible]
vel [illegible] [illegible] [illegible] minimo et [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible].
[illegible] [illegible] amplius [illegible]
Adverte[n]dum 2.º [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] placuit et [illegible] hoc [illegible]. [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
vel et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] vel [illegible] [illegible] [illegible] [illegible]
vel [illegible] vel [illegible] [illegible]. [illegible]
[illegible] et [illegible] aliud [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] a [illegible] [illegible]

2.ª Servitus [illegible] in ministerio [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] minimus [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] domus [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] dummodo linquat [illegible] [illegible] [illegible]
[illegible] [illegible] videri [illegible] [illegible] adulte [illegible]
nihil aliud [illegible] intelligendo e [illegible] [illegible]
de [illegible] [illegible] et [illegible]

6.ª et [illegible] servitus [illegible] in [illegible] e [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] in sua domo [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] domum [illegible] [illegible] [illegible]
[illegible] [illegible] servitutes [illegible] [illegible] [illegible]
[illegible] [illegible] natura et conditio [illegible] differt ab [illegible]
cato

[illegible] autem
in hoc [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] quomodo hoc [illegible] [illegible].
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] sed etiam [illegible] [illegible]
[illegible] [illegible] habere [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

Qu. attinet ad personas quae possunt constituere talem servitutem, 1° ille qui habet plenum dominium rei. 2° ille qui habet tantum dominium utile vel saltem utile si hoc non obstat praejudicium alterius domini. 3° proprietarius non [illegible] [illegible]: usufructuarius vero n. 4°, [illegible] minus [illegible]. [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. 4° [illegible] [illegible] qui nil [illegible] servitutem si hoc possit fieri sine [illegible] [illegible] communi utilitate.

Quod attinet ad modos et rationes quibus servitutes constituuntur, plures numerantur. 1° [illegible] [illegible] et [illegible]. 2° [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] alteri [illegible]. 3° [illegible] [illegible] quaelibet [illegible] [illegible]. 4° [illegible] [illegible] vel [illegible] [illegible] [illegible] praescriptione.

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] possessio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sine possessio [illegible] [illegible] [illegible]

Advertendum [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible] ultimo [illegible] actu [illegible]
[illegible] et tunc [illegible]
[illegible] [illegible] non [illegible]
[illegible] [illegible] explicatum est. Ratio est [illegible]
[illegible] voluntatem [illegible]
[illegible]

[illegible] [illegible] naturalem [illegible]
[illegible]
[illegible] ad [illegible]
[illegible]
[illegible]
[illegible]
[illegible] ad hoc [illegible]
[illegible] ad hoc [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] [illegible]
[illegible]

habere locum [illegible] possessio, in [illegible] [illegible] 2ª
[illegible] aud. Ratio e [illegible] [illegible] 3ª [illegible] [illegible] impediunt
[illegible] possessione, et [illegible] possessione et eo [illegible] [illegible]
[illegible] [illegible] Clem et Precaiist [illegible] [illegible] [illegible]
[illegible] 2ª [illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible], [illegible] omnino [illegible]
[illegible] [illegible] intra [illegible].

[illegible] [illegible] [illegible] [illegible] patens [illegible] [illegible] [illegible] nemo
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], possessio [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] 3ª [illegible]
[illegible] [illegible] est precaria [illegible] [illegible] [illegible]
[illegible] [illegible] sed ad [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et eo modo [illegible] [illegible]
et [illegible] [illegible], et [illegible] e [illegible] [illegible] [illegible]
[illegible] ita [illegible] [illegible] 2ª [illegible], [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible].

[illegible] [illegible], inter [illegible] [illegible] [illegible] [illegible]
probare [illegible] et [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible], [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible]. Dicunt [illegible]
[illegible] habere locum [illegible] [illegible] e [illegible]
[illegible]

omni tempore nisi si esset longissimi [illegible] multo
[illegible] illius meus [illegible] memoriae [illegible] erat famili-
[illegible] pericla [illegible] scientia et [illegible]
sam ita Paulus de Castro in dicta l. 2a C.
eod. et alii [illegible] contra [illegible]
[illegible] haberet [illegible]
sufficeret [illegible] omni temporis et [illegible]
[illegible] domini ita l. [illegible] finali.
2a et dominus ad acquirendum amicitiam [illegible]
[illegible] non sit unus servitute iure [illegible]
et amicitia [illegible]
nam conditione [illegible] et tamen
dominus ita in dicta l. finali [illegible]
servitus [illegible] [illegible] autem [illegible]
sit [illegible] iure amicitiae [illegible] ex
[illegible] servitute [illegible]
[illegible] non [illegible] esset dominus.
3a [illegible]
[illegible]
[illegible]
[illegible]
[illegible] 2a [illegible]
[illegible]
[illegible]

[illegible] ex [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] hoc [illegible]
[illegible] [illegible] [illegible] [illegible] continuam [illegible]
ē [illegible] [illegible] [illegible] [illegible] [illegible] nō solid
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] longissimi temporis [illegible] [illegible] [illegible]
[illegible] ita [illegible] [illegible] [illegible] [illegible] unde videz et [illegible]
[illegible] [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] plurima [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] tempus [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] tempus [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible]
ē tempus [illegible] [illegible] a [illegible] [illegible] ad
[illegible] [illegible] [illegible] ē 2[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ē [illegible] [illegible] [illegible]
[illegible] continua [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ut [illegible] [illegible] [illegible] [illegible] [illegible] et
inter eas [illegible] [illegible] [illegible] [illegible] ut ē [illegible]
[illegible] [illegible], [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] 10 annorum [illegible] [illegible]
2[illegible] [illegible] [illegible] ita [illegible] [illegible] [illegible] et dico.

[illegible]

finalis [illegible] de [illegible] [illegible] et [illegible] quis [illegible] tempore. Circa hoc [illegible] admirandum.

1.ᵘᵐ [illegible] controversia inter D.D. quinam velint [illegible] et quinam [illegible] aliqui [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] in diversa. alij vero [illegible] hoc [illegible] [illegible] [illegible]

2.ᵘᵐ [illegible] [illegible] super dicta sunt de [illegible] [illegible] habent [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] ad [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] spatium temporis [illegible] memoria [illegible] habet solum [illegible] realiter [illegible] vero [illegible] [illegible] [illegible] [illegible] [illegible] et

[illegible] usus [illegible] nature [illegible] ut
titulo longi temporis [illegible] titulo [illegible] studio
[illegible] ut habet [illegible] [illegible] / [illegible] in
[illegible] C. de [illegible] longi temporis [illegible]
eodem titulo [illegible] [illegible]

De modis [illegible] [illegible]

[illegible] De modis [illegible] remanet
[illegible] de his [illegible] [illegible] [illegible]
[illegible] ex [illegible] communiter et [illegible] in
[illegible] [illegible] ut habet [illegible] [illegible]
[illegible]

[illegible] constituta [illegible] conditione
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

3 [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
de [illegible]

[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] medietate modo [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible]

fuminis [illegible] vel [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] Relinimé [illegible] et [illegible]. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
non [illegible] [illegible] fichus [illegible] [illegible]
[illegible] [illegible] ut habet [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ut [illegible] [illegible].
[illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] habebat [illegible] et
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible].
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ad [illegible].
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible]. Non
[illegible] [illegible] [illegible] [illegible] [illegible]
~~[illegible]~~ [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ut [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

cap. ipsa civitas [illegible] obviatio [illegible] nec
Reiectio [illegible] in [illegible] [illegible]
et in et [illegible] et D.D. [illegible]
[illegible] et [illegible] aliud [illegible]
servitutes [illegible]. Ubi et [illegible]
ad hanc [illegible] servitutis [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
ut [illegible] [illegible] [illegible] [illegible]

Titulus 4.us de usu fructu

Usu et Habitatione

Post tractatum de servitute reali [illegible]
de servitutibus [illegible] liberae [illegible]
numerantur [illegible] dominium [illegible]
[illegible] causale et formale [illegible]
causalis intelligimus [illegible]
a causa [illegible]
[illegible] in dominio [illegible] sed hic [illegible]
[illegible] servitutes [illegible]
[illegible] a pleno dominio. Formalis [illegible]
[illegible] usufructus [illegible] hic [illegible]
[illegible] a dominio [illegible]
[illegible] [illegible] [illegible] [illegible]

mixtus [illegible] dicimus ff de verbor. signi-
ficatione et notatur cost. [illegible] magna [illegible]
in mulieri [illegible] statuta.

Te[illegible] autem / ius utendi et fruendi res alienis
salva rerum substantia. Dicitur enim utendi
[illegible] habet creditor [illegible]
[illegible] ut [illegible] [illegible] ut [illegible] fructu-
[illegible] [illegible] obligationis / [illegible] necessar.

Dicitur fruendi / ut distinguat ab usu [illegible] intra
dicit res alienis quo [illegible] dominium non-
[illegible] quia res sua nemini servit [illegible]
[illegible] [illegible] in principio ff [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] habent
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] supra [illegible] [illegible].

Plures sunt [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

utendo usufructu ita l. i.a et toto ti.
ff de usufructu et l. [illegible] i.a C. de
usufructu. Hec autem cautio debetur de
infrascriptis, quod dicit utetur et fruetur arbitrio
boni viri, et conservaturus sit proprietate et
restituturus. Tenetur usufructuarius ut dicta [illegible] usus-
fructus [illegible] cautio, quod [illegible] est et
locum habet quod usufructus constituitur [illegible]
in mobilibus vel in mobilibus. [illegible]
[illegible] quod [illegible] est [illegible] [illegible]
[illegible] pecunia [illegible] [illegible] prestanda est cau-
tio de restituendo [illegible] usufructu [illegible]
[illegible] quando [illegible] [illegible] [illegible]
debet et [illegible] [illegible] [illegible]
2. [illegible] cautio. [illegible] cum debet [illegible] [illegible]
[illegible] usufructus [illegible] [illegible] dicta
usufructus [illegible] C. [illegible] et l. i.a dicta [illegible]
[illegible] [illegible] usufructus [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

Titulus habet in penultima l. de pactis et
in prin. in consuetudine l. de sponsis
et filiis
a Conditio quod hic causa debet dari sive
… et non aliter, …
… non … …
… communiter …
cet … a …
… personam

In … illa … fuerit
… debet … qui
… …
… …
… …
… … … …
… ab hoc … …,
… negotii … et … habeo …
… … … a hoc …
… … …
… l. de …
… alias habens in … de …
…

conditionibus. Usufructus. 2º quod diversis modis
constitui potest v.g. per contractus ita l. 3. in
ff eod. Per ultimas voluntates ut l.
usufructum pluribus ff eod. Per sententiam
judicis ita l. usufructum pluribus. Per praescrip-
tionem longi temporis. Aliud est ita ut [illegible]
de vos ipsos vero et per eas. servos quam
vero alias habere [illegible] acquirimus possint ut e[st]
servos ita l. si servus [illegible] quibus modis usus-
fructus acquiritur. item de [illegible] familiae ita l.
usufructus C. de bonis quae liberis.
Quod de natura usufructus est ut non possit esse per-
petuus quia alias dominium inutile [illegible] reservatum
hinc fit ut si relinquatur civitati vel ecclesiae durat tan-
tum centum annis ita l. an usufructus ff eod. et
l. ut usufructus municipalis ff de usufructu
legato.

3º quod usufructus constitui potest in omnibus omnino re-
bus quae usum fieri possunt ut et in aliqua [illegible]
tione ita docet Bartolus in l. finali ff soluto
matrimonio Jasonem et alios l. [illegible] ff
[illegible] ff soluto matrimonio.

4º Quod dividitur in [illegible] sive communem [illegible]
[illegible] et hic est vel immobilium vel mobilium

ser-

curando seruari conuenit et in Dei nomine quae habet bona
in esse mobili, quae usu non consumuntur, ut frumento, vino &c.
Dicitur autem Depositum, quia simul ad custodiam traditur et domi-
nium ejus [illegible] [illegible] [illegible] de usufructu Dig. [illegible] et in
hoc 2.° genere Usufructus [illegible] Usufructuarius [illegible]
vel in utendo [illegible] est [illegible] [illegible] et qualitas [illegible]
[illegible] [illegible] [illegible] [illegible] vel [illegible] aestimatione et
[illegible] [illegible] [illegible] [illegible] constituitur usufructus
[illegible] [illegible] [illegible] [illegible] [illegible] dicit [illegible] [illegible]
[illegible] [illegible]. Videas [illegible] [illegible] in hoc [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible]
[illegible] habere, [illegible] [illegible] [illegible]. [illegible] omnem [illegible]
St.° in Usufructuarium [illegible] omnes [illegible] [illegible] naturales,
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible]. [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] in [illegible], [illegible] [illegible] [illegible] [illegible]. [illegible]
[illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible]
[illegible]!
[illegible] Usufructuarius [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible]

not et innuo ipso mortuario ita tamen quod usufructus attingat ut ina[illegible] [illegible] quod habet dominus illius ad utilitatem cui [illegible] alterius usufructuario ita [illegible] [illegible] de periculo et commodo rei vendendae et [illegible] [illegible] [illegible] de [illegible]

7.° Quod fructus pendentes quantum [illegible] ad utilitatem [illegible] usufructuario spectat ad dominum proprietatis [illegible] [illegible] Separati vero a solo [illegible] [illegible] [illegible] ad [illegible] usufructuarii. At pensiones domorum [illegible] [illegible] dividenda sunt pro rata temporis [illegible] [illegible] [illegible] habet [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] ad hanc [illegible] conditionem quod [illegible] omnes [illegible] fuerint [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] fructus qui contingunt regulariter [illegible] [illegible] et in [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible]

8.° [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] spectant ad usufructuarium [illegible] illa[illegible] [illegible] [illegible] [illegible] debet [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

separatione rei a nuda magna sive tam quae spec-
tant ad proprietatem ita l. si pendentes sti-
pulat. ff. de usufr. et l. eo ad quem l. eod. Consti-
tut. autem a medio vel magno expensae spectant
ad usum pendentes sunt ad eiusdem iudicium.

Ad usumfructuarium pariter spectant praestationes cen-
suum, debitum, tributorum etc. et omnia illa onera
quae debentur a re vel occasione rei ita
dicta l. si pendentes et si fr. ff. eod.

Plures sunt modi quibus amittitur seu finitur usus-
fructus. primus est morte naturali sive usu-
fructuarii [illegible] nam nec ad heredes eius trans-
ferentur [illegible] declaravit velle [illegible] transeat
[illegible] et de heredibus [illegible] intelligendus a [illegible]
p. heredem in eius vel ceteris ita l. antiquitus
C. eod.

2us est per mortem civilem eiusdem idem per maximam vel
mediam capitis diminutionem [illegible] ita hic
et dicta l. p. ff. eod.

3us est [illegible] finitur tempus statutum aut finitur
vel impleta condicio [illegible]
de 2bus mortis [illegible].

4us est cessio usufructuarii ipsi proprietario et [illegible]

consolidatio proprietatis cum usufructu. Alterum [illegible]
non potest concedi ut dicunt [illegible] sed solum com-
moditas.

[illegible] Accidit [illegible] ad [illegible] et usufructuarium
[illegible] habere [illegible] et [illegible] utrumque. nec
tunc [illegible] [illegible] [illegible] longi tem-
poris quod locum habet [illegible] mobilibus. quod
in immobilibus [illegible] et l. [illegible] C. De usu-
fructu [illegible] habitationis seu omnia [illegible]

Titulus Quintus

De Usu et habitatione

[illegible] personali procedit [illegible]
ad [illegible] de aliis [illegible] usu et habi-
tatione [illegible] materiae [illegible]
communia [illegible] hic ponimus solum
[illegible].

[illegible]

In [illegible] [illegible] [illegible] [illegible] ad nobilitate
[illegible] [illegible] [illegible] [illegible] [illegible].
[illegible] [illegible] [illegible] [illegible] aliam conditionem
[illegible]
[illegible]
[illegible]
[illegible] alium [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
hat o [illegible]
[illegible]
4.° [illegible]
[illegible] pro[illegible] et [illegible] por
[illegible] vel et [illegible]
[illegible]
[illegible] et om[illegible]
[illegible] littera [illegible]
[illegible]
6.° [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et in [illegible]
[illegible]
et ipsi [illegible]
[illegible] eodem [illegible]
[illegible] et [illegible]
[illegible] por lorenzi [illegible]
[illegible]
[illegible] sola [illegible]

[illegible]

habet autem [illegible] [illegible] [illegible]. [illegible]
omnes conditiones [illegible] ad [illegible]
[illegible] approbatio [illegible]
[illegible] approbatur.

Ad [illegible] [illegible] autem [illegible]
[illegible]
[illegible] et [illegible] [illegible]
[illegible]

attinet ad bona [illegible] [illegible]
[illegible]
[illegible] verborum [illegible]
bonis [illegible]
semper moralis certitudo [illegible] illa [illegible]
et [illegible]
[illegible]
certitudo moralis [illegible]

Certitudo autem moralis est illa quae excludit omnem rationabilem formidinem [illegible]
[illegible] bona fides [illegible] sufficit [illegible] et
[illegible]
[illegible]
[illegible] hoc [illegible]

Item organa materiam bone et male hdei inhumentadi

[illegible] aliquis caus. Ille [illegible] et [illegible]

[illegible] malum [illegible] contentus

contra [illegible] prohibitione [illegible] ita tacite

[illegible] contrahit [illegible] in sede et l.

[illegible] l. de Agricultura et tenib.

[illegible] hic omissa aliqua solemnitas [illegible]

[illegible] verbo [illegible]

[illegible]

[illegible] necessaria est aliqua [illegible] post

[illegible] nihil [illegible]

[illegible] conscientia [illegible]

[illegible] domino [illegible] aliquos

[illegible] ex [illegible]

[illegible]

[illegible]

[illegible] uno [illegible]

[illegible] immemorialis [illegible]

[illegible] omne [illegible] malus [illegible]

[illegible]

mala fide nihil prodest [illegible] condici

[illegible]

[illegible] capiunt penali.

[illegible]

[illegible]

bonus [illegible] in continenti ita dicta [illegible]

[illegible] de evictione et [illegible] giorno [illegible]

[illegible] del [illegible] in ordinatione [illegible]

[illegible] executions [illegible]

[illegible] probant [illegible]

[illegible]

[illegible] Labeat [illegible]

[illegible] ita Baus [illegible] Baldus

[illegible] et amplius et si [illegible]

[illegible]

[illegible]

e [illegible] de [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] vel [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
ex ignorantia [illegible] vel [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible]

[illegible]

Dubium super dicto [illegible] vendito et

hec

hoc ue[illegible] ē [illegible] [illegible] [illegible] nominone naturali
et civile [illegible] [illegible] et [illegible] sola [illegible] 2 [illegible]
Glos et [illegible] [illegible] in certo [illegible] huius [illegible]
[illegible] [illegible] commodato et [illegible] 3.ª [illegible] ex con-
trario ff de acquirenda possessione. Non suffi-
cit autem [illegible] naturalis quod habet [illegible]
[illegible] [illegible] locatarius [illegible] [illegible]
[illegible] [illegible] [illegible] possideat ut habet [illegible] [illegible]
[illegible] [illegible] [illegible] ff de acquirenda [illegible] [illegible]
Ratio ē [illegible] huiusmodi persone [illegible] [illegible]
[illegible] [illegible] [illegible] alieno nomine.
[illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] facto [illegible] habet

[illegible]

[illegible] Balus[illegible]

[illegible] alij. Hoc autem [illegible]

[illegible] continuatus in [illegible]
[illegible] et [illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] omnes actiones [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] omnes [illegible]
[illegible]
[illegible] omnes [illegible]

errorum. hoc uero uelud est de actionib. Et po-
nat in sensibi, nam sunt aliene [illegible]

[illegible]

[illegible]

[illegible] dicto [illegible]

[illegible]

[illegible]

[illegible] Romanae Ecclesiae [illegible]

[illegible] cap. [illegible] de praescriptionibus [illegible]

[illegible]

[illegible] cap. 2 de praescriptionibus.

Spatiis [illegible] 100 annorum quo gaudet Curia Romana, de patrimonialibus Sedis Apostolicae,

et Collegie Lateranensis et hoc usque: non
tantum in rebus immobilibus sed et mobilibus.
Dum autem Curiali hoc privilegio gaudeat
patrimonium Imperatoris et camera Imperialis
dicta c. fin. C. de sacrosanctis Ecclesiis
(2a) e contra quod notat immemorialis idest cuius tem-
poris memoria non extat [illegible] apud Iudices
videlicet nullus [illegible] [illegible] sic loco
[illegible] [illegible] [illegible] satis [illegible] de hac
[illegible] et Glos. [illegible] de praescriptionibus
[illegible] [illegible] infra [illegible] a [illegible] [illegible]
[illegible] [illegible] [illegible]
(3.) [illegible] [illegible] [illegible] [illegible] tituli ex-
cludunt omnem praesumptionem male fidei [illegible]
[illegible] [illegible] [illegible] alium contrario a
[illegible] [illegible] [illegible] [illegible] [illegible]
proprio et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] privilegium [illegible] habere [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] praesumptione.
(2.) [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible]

et ... judiciales ... potestis ...
... Distinctiones ...
... Singula ...
... et ... nisi
ex ... Principis et sunt ...
preeminentiae ... et
dicto cap. p.° de ... in sexto.

4.° ... intelligitur exclusa ...
... omnes
... contrarium ...
... nisi expresse ... fiat
mentio ...
... et
ibi plures D.D.

Sic ... D.D. an ... habet ...
... 100 anni ... D.D. ...
hoc ... et ...
... tempus ...
... et ... tempus
quam 100 annorum ...

... ti.

4 ic cantem D. D. docent ut prescriptio 3 rolis
tē mi[illegible] favorabilis longissimi temporis veni
odiosa q.a institutum ē [illegible] [illegible] qui
tanto tempore negligerent [illegible] longissimi
temporis [illegible] ē [illegible] ex odio et favor[illegible]

Sectio 3.a

De reb. q̄ possunt prescribi et de prescriptionis
usucapionis competit hoc Jus

Sunt aliquae res q̄ [illegible] nō possunt prescribi
[illegible] [illegible] omnis [illegible] [illegible] q.a nō
possunt cadere sub humano dominio. item
[illegible] [illegible] [illegible] res furtivae q̄ licet ex
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] tū [illegible] ē [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] multo magis
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] a p.o [illegible]
[illegible] nō possunt prescribi [illegible] tū
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] 2.do [illegible] [illegible] [illegible]
[illegible]

recta i.e. acquirendum possessionem dom-
inij 3 generalia utroq. : nam p.º moraq.
[illegible] ei adhaesit et eas [illegible] et
transit cum ea ad succedentes possessores et [illegible]
genere numerorum [illegible] sed requirunt ad
acquirendum [illegible] [illegible] alienandum
[illegible] quis [illegible] petere et exigere
ea contra vel alios bona ob [illegible] vel
[illegible] aliasq. mali ut ipse [illegible]
[illegible] 2.º moraq. quasi realis ut in
[illegible] et dotalis [illegible] alienari
[illegible] pupilli et [illegible] 3.º moraq.
mera personalis ut dolus [illegible] eorum
[illegible] hoc [illegible] personis [illegible]
adhaeret

2.º [illegible] distinguit inter [illegible]
qualis e haeres, qui [illegible]
defuncti testatoris et [illegible] particulares
qui [illegible] succedunt [illegible]
[illegible] ut [illegible] emptor, [illegible]
[illegible] (?) [illegible] his positis
[illegible] Civile disponit ut possessionem et pre-
scriptionem longissimi temporis acquiri dominium

[illegible]

cuiuscumque rei [illegible] a nobis tempore [illegible]
[illegible] ita ut [illegible] omnes et
[illegible] [illegible] [illegible] [illegible]
[illegible] vel 40 annorum non tamen [illegible]
cerit [illegible] longi temporis.
Tamen [illegible] Dni [illegible] [illegible]
[illegible] bona conscientia [illegible] malafide
[illegible] [illegible] [illegible] temporis [illegible]
[illegible] [illegible] [illegible] possidens [illegible]
[illegible] [illegible] in mala [illegible] et hoc
[illegible] successore [illegible] licet [illegible]
[illegible] [illegible] ita [illegible] cap. [illegible]
extra [illegible] successor [illegible]
[illegible] ipse [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] annorum [illegible]
[illegible] [illegible] [illegible] et
[illegible] doctrina [illegible] inter Canonistas
et Summistas. Non tamen [illegible]
[illegible] [illegible] ullam [illegible] inter
antecessorem et successorem [illegible]
[illegible] [illegible] [illegible] [illegible] bona
fide.

[illegible]

[illegible] mus [illegible] huius tituli [illegible]
[illegible] cum sit favorabilis [illegible] domi-
nus utilis et directus ac si [illegible] titulus
et a uno domino translatum esset tamen com-
petunt [illegible] iura et actiones [illegible]
possessione continui temporis habita cum bona
fide ac de immobilibus per praescriptionem
[illegible] tenens [illegible] nec dominium utile
ex quo [illegible] ut [illegible] dominus possit eam [illegible]
[illegible] a 3° [illegible] si tituli [illegible]
[illegible] et hoc propter dominii [illegible]
[illegible] et nihil praescriptum.
[illegible] dominus [illegible]
[illegible] dominii [illegible]
nos manus. Ex [illegible] continui tem-
poris [illegible] cum mala fide [illegible] acquisitum [illegible]
[illegible] ut
[illegible].

[illegible] admittit [illegible] praescriptionem [illegible]
[illegible] naturalis [illegible] ex contractu [illegible]
[illegible] naturalis [illegible] et
[illegible] omnes [illegible]
[illegible]

Aug. et [illegible] tempore obligatus est similiter [illegible]
in solidum habet [illegible] debitori [illegible].

Titulus ~~Septimus~~ Octavus

De Donationibus

[illegible] Traditionibus egimus [illegible] de modis acquirendi domi-
nium ex J. Gentium et de J. Civili quamvis
[illegible] et [illegible] dominio in hoc titulo [illegible] agere
de modis transferendi dominium ex uno in alium
per voluntatem prioris domini [illegible] con-
tractus [illegible] quos [illegible] in-
troductos vel approbatos in hoc titulo [illegible]
[illegible] onerosos [illegible]
[illegible] contractus [illegible]
[illegible] contractus
[illegible] stipulationes
[illegible]
[illegible] stipulatio [illegible]
[illegible] ~~[illegible]~~

[illegible] contractus et [illegible]
[illegible]
[illegible]
onerosos [illegible] obligatus [illegible]

una pars contrahentium in omnibus [illegible]
Definitio donatio est [illegible] liberalitas et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] donantis [illegible] [illegible]
[illegible] [illegible] et [illegible] donari [illegible] et [illegible] donari
[illegible] [illegible] [illegible] [illegible].
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] donatio [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad
[illegible] donationem [illegible] [illegible] [illegible]
apud iudicem [illegible] [illegible] [illegible] obligari
[illegible] donatarii.
Donatio [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] causa mortis et [illegible] [illegible]
[illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] liberalitas [illegible]
mortis instantis [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] donatarius [illegible] [illegible]
donat [illegible] [illegible] [illegible] [illegible] [illegible] donat
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ex [illegible] [illegible] [illegible] [illegible] [illegible]
donatio

donatio causa mortis et non apponi[illegible] aliquam clausula et conditio[illegible] [illegible] [illegible] na-
tura et qualitatis donationis inter vivos et
ad causam [illegible] [illegible] [illegible] alii conventionem debet
interpretari et [illegible] [illegible] donantis

Ad hanc donationem [illegible] [illegible] et omnino [illegible] [illegible]
tio mortis [illegible] [illegible] ex [illegible] [illegible]
[illegible] [illegible] [illegible] inter vivos et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] continens [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] solum matrimonio.

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ... [illegible] ... [illegible] ... [illegible] ... [illegible]

[illegible] ... [illegible] ... [illegible] ... [illegible] ... [illegible]

[illegible]
[illegible] vel leges [illegible]
[illegible] nihil
[illegible] pactum [illegible]
2° [illegible]
[illegible] et hoc et [illegible] et [illegible] nullum [illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] et hinc [illegible]
[illegible]
[illegible] Donationis [illegible]
[illegible] Gloss. [illegible]
[illegible]
[illegible]

[illegible]

[illegible]

[illegible] testatori. 2° [illegible]

[illegible] nos [illegible]

[illegible]

[illegible]

[illegible] mixto [illegible]

[illegible]

[illegible] ita ut [illegible]

[illegible] testatoris [illegible]

dominium [illegible]

traditione [illegible]

[illegible]

[illegible]

[illegible] materia.

[illegible] donatione

inter vivos

Donatio inter vivos [illegible] mortis [illegible] vel [illegible] causa.

[illegible]

[illegible]

2° [illegible] donatio [illegible]

[illegible]

[illegible]

qui exigit an pars cuiusis vel sine eis aut
qd etiam vel fratres vel non [illegible]
[illegible] [illegible] ad hanc donationem [illegible]
[illegible] habet [illegible]
[illegible] aliorum bonorum nec [illegible]
[illegible] quem [illegible]
[illegible] et si donatio excedat quingentos
solidos aureos antiquos debeat [illegible] insin:
[illegible] quam [illegible] [illegible] conditionem
[illegible] c. si [illegible] solidos [illegible]
[illegible] opinionem aliorum [illegible]
[illegible] [illegible] aureos [illegible] [illegible]
[illegible] quaque [illegible]
[illegible] [illegible] aliter dicitur. [illegible]
[illegible] [illegible] consuetudinem [illegible]
[illegible] donatio [illegible]
[illegible]
[illegible]
[illegible] [illegible] [illegible]
[illegible]
[illegible]
[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] personas [illegible] [illegible]
[illegible] [illegible] in [illegible]. [illegible] talis donatio
[illegible] [illegible] [illegible] donantis donatarij [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible]. et hoc
[illegible] notarius. [illegible] [illegible] de [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] : [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible].
[illegible] [illegible] [illegible] [illegible] etc.

3.° et hic insinuatio [illegible] [illegible] donationi [illegible]
[illegible] [illegible] ob [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] donatio
[illegible] [illegible] [illegible] [illegible] [illegible] ob
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
ob [illegible] [illegible] [illegible] hoc [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]

9° [illegible] Sedes instrumenta [illegible] [illegible] donationes in omni [illegible] [illegible] [illegible] [illegible] hanc [illegible] omnino [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Sede.

[illegible] [illegible] [illegible] [illegible] habere [illegible] donatio- nes [illegible] [illegible] [illegible] et alys [illegible] [illegible] habet [illegible] [illegible] [illegible] [illegible]. [illegible] et [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] habere [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] donatio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 2°

[illegible]

[illegible]
[illegible]
[illegible] propter [illegible] et [illegible]
[illegible] omnino [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible] hoc [illegible]
[illegible] omnia, [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] Patres [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] excussionis [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Virum et Uxorem [illegible] a D. Oliviis extendit. et a [illegible] [illegible] Dei. 2° prohibet [illegible] puram et simplicem donationem inter virum et uxorem constante matrimonio [illegible] et [illegible] inter virum et uxorem [illegible] prohibitionis. [illegible] circa / hoc.

3° [illegible] intelligendum [illegible] de donatione inter virum [illegible] mortis causa [illegible] de donatione inter Virum et Uxorem. 2° [illegible] donatio [illegible] vel [illegible] omnis [illegible] de donatione inter Virum et Uxorem. 3° [illegible] comprehendit [illegible] prohibitione donatio facta ante nuptias et [illegible] matrimonio [illegible] 4° [illegible] confirmat tali donatione [illegible] ad revocandum [illegible] ob [illegible]

[illegible] donatio [illegible] illa [illegible] confirmatur

f

q' morte, post mortem deinde [illegible] ad solidum ex-
primere [illegible] et tacite his modis quos acci-
[illegible] de donatione causa mortis [illegible]
de et divortio [illegible] inter ipsos Coniuges
ita l. a marito et l. [illegible] interdum [illegible] finalis,
ut supra.
3.° Casus in quo [illegible] donatio quae fit a Patre filio-
familias qui est sub Patria Potestate et [illegible]
[illegible] est nullius ~~[illegible]~~ valoris ita l. [illegible] de
bonis [illegible] l. eodem et l. donationes quas
parentes C. de donatione inter [illegible]
[illegible] talis donatio est omnino [illegible]
[illegible] acquirat filius [illegible] a
[illegible] Patris.
Limitatur [illegible] casus [illegible] habet
[illegible] talis donatio [illegible] filius [illegible]
emancipatus, ita [illegible] C. de eman-
cipatione liberorum et l. [illegible] emancipati C. de
donatione inter Virum et Uxorem ubi advertenda,
[illegible] donatio facta ante emancipationem
[illegible] fuit revocata [illegible] ex [illegible] et
tacite quam [illegible] confirmari, ita [illegible]
[illegible]

sive emancipatione l. de donationibus ali. donatio
& Ratis [illegible].
Sed advertendum quod si id fuit tradens ab insipiente
a patre [illegible] ~~[illegible]~~ si ipsum
maior quod non excedit summam quingentorum
solidorum vel si excedit facta est [illegible]
vel confirmata testamento ita dicendum do-
natio, l. de donatione inter Virum et Uxorem
et Glossa. Ibidem cap. [illegible] super [illegible]
[illegible] et ita D.D.
2.us casus est quando Pater remittit filio usufructum
[illegible] habebat in bonis adventitijs ipsius filij
[illegible] l. [illegible] oportet, et [illegible] l. de bonis,
[illegible] liberis [illegible].
3.us quando donatio est [illegible] [illegible] prae-
cedentibus [illegible] [illegible] erit [illegible]
[illegible] [illegible] [illegible] opposita ita [illegible]
[illegible] si [illegible] de inofficioso testamento
et ibi Bartol. et alij D.D.
4.us quando Pater donat filio eunti in militiam
[illegible] arma et equos [illegible] hec [illegible] fiunt
filij [illegible] [illegible] [illegible], ita l.

— si filius familias [illegible] familiae [illegible]
et [illegible] dicta l. si [illegible] contra [illegible] de collation.
1. quod pater donat filio ad [illegible] aliquod
[illegible] [illegible] [illegible] [illegible] talis
donatio quod filius [illegible] animo donandi et
[illegible] tali [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] quod donatum fuit ita habetur
[illegible] dicta l. [illegible] [illegible] Canonicus [illegible]
D. D. [illegible]
3. [illegible] casus [illegible] quod pater donat filio causa [illegible]
[illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] quod
[illegible] filium animo donandi [illegible] talis
donatio et sic filius fit dominus [illegible] [illegible] con-
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
l. [illegible] [illegible] [illegible] [illegible] quod [illegible]
[illegible] de [illegible] pater [illegible] [illegible] [illegible] filius
[illegible] [illegible] [illegible] [illegible] filium animo do-
nandi ut habetur [illegible] dicta l. [illegible] [illegible] filius
habet [illegible] bona [illegible] [illegible] habet pater [illegible]
[illegible] [illegible] [illegible] [illegible] lib. rationum [illegible]
[illegible] [illegible] habuit [illegible] donandi
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] patris. vnde [illegible] ff. de [illegible] gestis est [illegible] ff. de petitione hereditatis [illegible] et etiam extraneus et [illegible] filius [illegible] [illegible] [illegible] causa [illegible] [illegible] [illegible] [illegible].

[illegible] [illegible] patri expedit in retinendo filio a [illegible] [illegible] [illegible] causa pietatis [illegible] [illegible] fuerit [illegible] ita Bal. [illegible] et Glos. in l. libera [illegible] c. de [illegible] [illegible].

[illegible] pater donat filie causa dotis vel filio [illegible] [illegible] in l. Pomponius ff. familie erciscunde [illegible] [illegible] [illegible] [illegible] donationem factam [illegible] [illegible] [illegible] [illegible] [illegible] bonorum [illegible] [illegible] in his [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] donatio [illegible] [illegible] portione dotis [illegible] [illegible] [illegible] [illegible] l. Pomponius [illegible] [illegible]

[illegible]

[illegible] [illegible] confe[illegible] ita [illegible] tibi [illegible]
[illegible] illud et [illegible] ex [illegible] de collatione [illegible]
[illegible] [illegible] [illegible] cum Pater fuit [illegible]
ex mira liberalitate [illegible] [illegible] [illegible]
adhoc [illegible] et [illegible] ita [illegible] [illegible]
[illegible] [illegible] et [illegible] velle ut [illegible]
[illegible] ad [illegible] illas [illegible] [illegible]

[illegible]

[illegible] ex [illegible] [illegible] et [illegible]
[illegible] [illegible]

[illegible]

[illegible] debitori [illegible] [illegible]
[illegible] institutione [illegible] [illegible]
[illegible] [illegible]
[illegible]
[illegible]
[illegible]
[illegible] occasione [illegible]
[illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] tali casu [illegible]
[illegible]

Et advertenda ad eandem quae donan[illegible] [illegible] ipsa
[illegible] notandum 1.º [illegible] donari
omnia quae sunt in bonis libertati et [illegible]
habet [illegible] dominium [illegible] l. [illegible]
[illegible] eodem.

2.º [illegible] donatur aliquam actio adversus
aliquem [illegible] [illegible] constituens debitoris
contra quem est talis actio in l. 2.ª
et 3.ª [illegible] eodem

3.º [illegible] [illegible] l. [illegible] ~~[illegible]~~ [illegible]
[illegible]

affirmat ut habetur [illegible] sola traditione [illegible] pro domino
[illegible] quod autem [illegible] donans [illegible] dicitur [illegible]
[illegible] [illegible] [illegible] re-
spondent DD. distinguendo quod [illegible] [illegible]
[illegible] talis quod [illegible] [illegible] l. 2.
de [illegible] [illegible] [illegible] promissionem et [illegible]
distinguendo [illegible] quod [illegible] donatio [illegible] a promis-
sione [illegible] de [illegible] [illegible] [illegible] DD. opi-
nionem post Gloss. in [illegible] l. 2. et l. [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] l. [illegible] et
l. cum [illegible] donatus [illegible] [illegible]. DD. [illegible]
[illegible] quod [illegible] donatio [illegible] [illegible] esse [illegible] et
[illegible] [illegible] [illegible] omni [illegible]
[illegible] [illegible] dolo [illegible] [illegible] [illegible].
4°. [illegible] donatio omnium bonorum [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] quod [illegible]
[illegible]. [illegible] [illegible] [illegible] 2.a [illegible]
omnium facultatem testandi [illegible] esse
contra bonum publicum [illegible] habetur [illegible]
[illegible] [illegible] [illegible] [illegible] obligat
[illegible] l. fin. ..

86.

vel ob aliam causam prohibitam et pactum de
successione ... ita si pactum contra
... partis et maxime principaliter occasionem
machinandae mortis donantis ubi et adiicit
iuramentum et ... pacta non pos-
sunt confirmari iuramento vel tali iuramento
... modo valet ita lex ... obligatio
de ... ... vendita ... fin. ... de
pactis. Hac vera doctrina colligitur quod ea
quae civiliter solent contra prohibitionem ... civilis
... valent ... quod licet contra
bonos mores et ... regulam ... ex
capitulo ... contingit de [illegible].

Ari[illegible] Donatio omnium bonorum communiter
dicitur valere ... ideo quod prohibetur
donari ... ... [illegible]
... Canonistam. Oportet tamen ad hoc
... sine ... ut ... omnes ...
... quod si ... aliqua bona
vel ... praesentia vel futura ... quibus
possit ... valet donatio.
... tamen ... bona ... moventi
...

ut posset repetiri Lxiij.

Quo autem celebratio bonorum [illegible] posset
retrahi, fuit d[ictu]m generale iure [illegible] hic relic-
tum, ad partes ultimas hereditatis eam non
habere detrahi ꝙ l. falcidia d[e] qua supra
[illegible] 4a pars debebatur ei [illegible] donans
tamen retam[en]to ad mortem donatio ad
heredibus venientibus ab intestato q[uo]d ad testando
creditis eos vocavit [illegible] Sl. [illegible]
[illegible] ff de iure Codicillorum. Hec autem
[illegible] habebant [illegible] contractibus
sicut l. [illegible] et [illegible] ff de [illegible] obligationum
& [illegible] de novatione.

Donationis inter vivos

Cum hec Donatio inter vivos revocari non posset
[illegible] donatio [illegible] nec l. l. [illegible] et
[illegible] [illegible] [illegible] d[ictu]m [illegible]
[illegible] amplius [illegible] non potest
[illegible] cap. [illegible] de [illegible]
et l. ultima [illegible] donatio [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

wpér

citat et l. si [illegible] [illegible] fin. C. de donat.
nisi [illegible] [illegible] donat. [illegible] tradere
non [illegible] donans [illegible] [illegible] [illegible]
et [illegible] et D. [illegible] ff [illegible] actione. [illegible]
[illegible] [illegible] talis donatio [illegible]
[illegible] [illegible] et convenit.

Igitur revocari potest ob ingratitudinem donatarii,
[illegible] l. fin. C. de revocanda donat.
et [illegible] [illegible] et [illegible] [illegible]
[illegible] donationis [illegible]
[illegible] propter ingratitudinem [illegible]
[illegible] [illegible] contra bonos mores
[illegible] [illegible] C. de pactis et l.
[illegible] ff de pactis.

Solent autem ad donationem probandam ingratitudinis
[illegible] l. fin. [illegible] his [illegible]
[illegible] probari debet [illegible] et
[illegible] ipso donatario [illegible] l. fin.
Revocari [illegible] ingratitudinis [illegible]
[illegible] et [illegible] donatarii
[illegible] communi [illegible] D. D. et [illegible]
[illegible] n.º 6.º [illegible] [illegible]

qd ditio numerate sunt et defficit [illegible]
[illegible] causa [illegible] qd si [illegible] et
casus [illegible] [illegible] posuit [illegible] [illegible].

Revocandi [illegible] donatio inter viuos [illegible]
[illegible] liberorum. ita l. si unquam C.
de revocandis donationibus [illegible] hanc [illegible]
[illegible] qd si facta fuit [illegible] donatio post [illegible]
[illegible] liberorum [illegible] [illegible] [illegible] [illegible]
[illegible] legitimum [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]. [illegible] et l. si [illegible] C. de inofficiosa
donatione [illegible] bonis [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
l. [illegible] inofficiosa donati [illegible] [illegible] [illegible] [illegible]
[illegible] apponi clausula [illegible] non [illegible]
[illegible] liberorum [illegible] [illegible] [illegible]
[illegible] qd [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible].

[illegible] et [illegible] due sunt [illegible] [illegible] qd [illegible]
[illegible] revocatione donationis [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] irrevocabilis et [illegible] [illegible] [illegible] [illegible]
[illegible]

2° De donatione.

[illegible] quod donans [illegible] ingratitudine [illegible]

[illegible] potest [illegible]

[illegible] revocatione donationis.

Si tamen donans [illegible] ingratitudinem potest

revocari [illegible]

[illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] comitas [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] omnia [illegible] bonae [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] habet [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] propter [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
P.[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

... valet ... ex ... de lucran
... a primo ... ... et dona-
... propter nuptias ... secunda ...
... ... de ... ...
... partis ...

... donationem inter vivos ... donans ...
... usufructum ... ...
... ...
... ... translat ... donato
... dominium ... et proprietatis ...
donatis ... ...
... donatio ... ...
... ... causa mortis ...
... donatam ... ...
... ... causa ... ... donatio
... ... [illegible] ... ...
... ... [illegible] ...
... ...
... ...
... ...
... ...
... ... donatae et ... ...

matéri[illegible]

Titulus [illegible]

[illegible]

[illegible]

[illegible]

[illegible] ad spectat plene ad maritum
post alienari [illegible] solutione [illegible]
[illegible] [illegible] a iis [illegible]
[illegible] habet [illegible]
[illegible] et eius [illegible]

[illegible] continget [illegible]
[illegible]
[illegible]
[illegible] pecunie sed [illegible]
[illegible] mobile, domus [illegible]
[illegible] soluto [illegible]
[illegible]
[illegible] et [illegible]
fundus dotalis [illegible] maritus nullo modo
[illegible]
[illegible]
[illegible]

[illegible] modo [illegible]
[illegible]
de [illegible]
[illegible]
[illegible] omnis. [illegible]

[illegible] es [illegible] estimare [illegible]
[illegible]piant, deteriores hoc contingit damno et
[illegible] mariti ita l. estimare [illegible]
matrimonio est hic maritus tenetur [illegible]
[illegible]rationem ita l. si inter [illegible] de iure dotis
[illegible] cum [illegible] remanent [illegible] dote
[illegible] matrimonio [illegible]
uel eius heredi [illegible]
deteriorationem uel eius pretium [illegible]
[illegible] dote [illegible]
dotis.
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

p.m. Et hic contractus [illegible] inter contrahentes [illegible] bone fidei ex parte utriusque
[illegible] quando dos [illegible] e ab eo
[illegible] dotantis ex suo [illegible]. [illegible]
[illegible] [illegible] [illegible] [illegible] dotis
[illegible] dotantis [illegible] [illegible] [illegible].
[illegible] [illegible] [illegible] e ab eo [illegible] [illegible]
[illegible] [illegible] ab extraneo [illegible] [illegible]
monio [illegible] [illegible] [illegible] [illegible]
[illegible] matrimonio [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] et [illegible] [illegible] dos [illegible] ad [illegible]
[illegible] [illegible] [illegible] [illegible] extraneus [illegible]
[illegible] dotasset [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] hoc [illegible] [illegible] contractus [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] bone fidei et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
vel restitutione dotis [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

a iure habet spatium biennij ad soluendum
nisi aliter [illegible] ut habet Text. in l. [illegible]
praeteritae [illegible] iure totis.
[illegible] admittunt duplicem praesumptionem
aliam quam simpliciter vocant iuris, aliam vero
[illegible] dicunt iuris et de iure. Contra primam
admittitur probatio et tollit [illegible] prae-
sumptionem. contra 2am vero non habet locum
probatio. Hec autem [illegible] ad solvendum
[illegible] placuit adiicere aliquam [illegible]
aut circumstantiam sed et [illegible] ut
[illegible] cum et [illegible] pluribus [illegible]
qualibet venditione obligatio euictionis.
[illegible] lex contrahit tacitam hipotecam
[illegible] tacitam
[illegible]
[illegible] ea [illegible] communione [illegible]
[illegible]
[illegible]
[illegible] vel in toto vel in parte ut
[illegible] soluto [illegible] et
[illegible]

ex

[illegible] casus; p[rim]o q[uod] mulier ut [illegible]
[illegible] mortuo marito in eadem domo [illegible]
[illegible] alimenta donec dos sibi solvatur. 2[o] q[uod]
[illegible] habet hanc ipotecam in bonis mariti
sed et patris ipsius q[ui] consensit in matri-
monium et dotis receptionem. 3[o] q[uod] mulier
[illegible] actionem dotis et contra [illegible]
[illegible] omnes mariti ita [illegible]
[illegible] de [illegible] dotium et hoc [illegible]
[illegible] [illegible] [illegible] [illegible] ita [illegible]
[illegible] 34 [illegible] signatis. 4[o] q[uod] [illegible]
habeat [illegible] [illegible] [illegible]
[illegible] q[uod] mulier [illegible] [illegible]
[illegible] [illegible] [illegible]. 5[o] q[uod]
[illegible] [illegible] [illegible]. Talia
[illegible] [illegible] [illegible] sunt [illegible] in dote
[illegible] [illegible] [illegible] [illegible] adminis-
trationem [illegible] [illegible] administratio [illegible]
nat [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]. [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] [illegible] et q[uod]

[illegible]

matrimonium [illegible] solum [illegible] [illegible]
[illegible] oculus.

~~[illegible] [illegible] [illegible] mulier [illegible]
[illegible] eadem [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
habet hanc [illegible] [illegible] mariti
et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et dotis [illegible]~~ [illegible] [illegible] [illegible]
hac actione [illegible] [illegible] [illegible] [illegible]
[illegible] bona [illegible] [illegible] [illegible] ubi [illegible]
[illegible] [illegible] dotium [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible]

[illegible] antiquitatis pro quo [illegible] [illegible]
[illegible] [illegible] [illegible] et tempori [illegible] et
habentib. [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] anteriori [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible]
2° [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] apud D. B.
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] affirmatione
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] communi et probabili [illegible] et
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in
confirmatione [illegible] [illegible] [illegible]

[illegible]

[illegible]
[illegible] in D. oper
[illegible] et non promisse
[illegible]
[illegible] excitavit
[illegible] invitare [illegible]
[illegible] et [illegible] conscientie.
[illegible] contra Patris
[illegible] et nomi [illegible]
[illegible]
[illegible] 2°. [illegible]
[illegible]
[illegible]
[illegible]
[illegible] suo indigno extra
[illegible] pater [illegible]
[illegible] vel multis debitis astrictus
[illegible] dotare sine [illegible]
[illegible] Patri [illegible]
[illegible] ingratitudo [illegible]
natura [illegible]
[illegible] videri filij [illegible] et honesta [illegible]

[illegible]

[illegible] de obsequijs a liberis [illegible] non pro
[illegible] tunc [illegible] reuocari dos iam data.
[illegible] [illegible] habet [illegible] causa [illegible]
Pater non expendam [illegible] filia
[illegible] [illegible] ante [illegible] annum [illegible] tali
casu non est excipiendum ita [illegible] pluribus [illegible]
[illegible] in testamento [illegible] filia egeret [illegible]
[illegible] debet pater exemplo Dei condonare illi
delicta ita in Impuberis 123 [illegible] de nuptijs [illegible]
filia et legitima et in patre naturalis ita [illegible]
[illegible] [illegible] de legitimis.
[illegible] [illegible] et alij [illegible] [illegible] filia est diues [illegible]
[illegible] [illegible] et pater non est multum diues [illegible]
[illegible] [illegible] a [illegible]. Pater [illegible]
[illegible] alere et dotari filia naturalis
[illegible] 2do [illegible] et [illegible]
[illegible] constante matrimonio non [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] et [illegible] non tenetur [illegible]
[illegible] [illegible] [illegible] tenetur [illegible]
[illegible] ita [illegible] contra [illegible] Bartolo.
[illegible] mater [illegible] non tenetur [illegible]
filia

nisi, excepto casu in quo ipsa esset dives et
pater inops, ita [illegible] mater [illegible]
[illegible] et liberi, jus a liberis et ergo et mater [illegible]
de liberis agnoscendis [illegible] tamen teneri et eis [illegible]
Et attinet ad fratres certi est [illegible] non tamen ad
dotandas sorores ex nuptae matris tantum sicuti
[illegible] [illegible] [illegible] tenentur ad sorores ex [illegible]
[illegible] in casu in quo ipse esset dives et soror
inops, sicut et teneretur ad alimenta [illegible] dos
[illegible] pertinentis et [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible]
Non alia remanserint explicanda circa hanc materiam
dotis [illegible] [illegible] legatur vel [illegible] alio modo
constituta [illegible] nomine et loco dotis [illegible]
ante matrimonium sed [illegible] [illegible] [illegible]
[illegible] dotis [illegible] [illegible]
[illegible] [illegible] maritus [illegible] habere [illegible]
[illegible] [illegible] [illegible] dotem interim [illegible]
[illegible] [illegible]
[illegible] consuetudo [illegible] [illegible] [illegible]
[illegible] marito vel [illegible] [illegible] [illegible]
[illegible] [illegible] habere [illegible] [illegible] [illegible]
[illegible]

monia

monium [illegible] fuit contractum inter eos ita Bartolus Baldus et alii D. [illegible] contra

Sunt et aliae personae quae [illegible] nobilibus a [illegible] alienare. P.° Pupilli [illegible] [illegible] eximus [illegible] a.° [illegible] 2 [illegible] [illegible] mutat alienum. [illegible] [illegible] [illegible] mutuari sine Tutoris authoritate [illegible] mutationem transferre dominium [illegible] ita l. 2 [illegible] spectata [illegible]

[illegible] aliis [illegible] solutionem accipere liberant [illegible] ab obligatione [illegible] solvendi [illegible] [illegible] hic [illegible] ex contrario [illegible] 3 casus sunt distinguendi [illegible] debitor solvit pupillo [illegible] authoritate tutoris [illegible] et iudicis decreto [illegible] [illegible] liberatur [illegible] [illegible] de administratione tutorum. [illegible] solvit quidem cum authoritate tutoris [illegible] sine iudicis decreto [illegible] cum [illegible] liberatur [illegible] [illegible] habet beneficium restitutionis [illegible] integrum ita [illegible] [illegible] solutiones [illegible] [illegible] [illegible] [illegible] [illegible] probet pecuniam [illegible] esse [illegible] pupilli ita [illegible] factus

tam

renuntiatur literarum omne exceptiones

Sequitur. Et angelus nomine cedens ponit alie-
nari in pignus licet non sit eius dominus. Conque
istud infrascriptum habemus in eo titulo 6. et contra
autem. Primo quod licet Creditor non sit dominus pignoris
potest tamen illud distrahere vel conventione partium vel
legis dispositione ita l. ut veniat in principio ff de
distractione pignorum.

2.m Et si inter ipsas partes conventum sit transacto tempore
illud distrahere possit sine alia denuntiatione vel
insinuatione, ita l. si convenerit in principio de
pigneratitia actione iuncta adagium iuris quod dies
interpellat pro creditore ita l. magnam C. de Contrahenda stipulatione.

3.m Et nihil conventum est de venditione pignoris tamen vel
illud distrahere requirat denunciationem ex itinere
tamen debet praecedere triplex denunciatione et
in l. 4 . . . nulla pariter.

4.m Et Creditor non cogitur vendere pignus debet a
iudice recipere ut termino conveniens debitori
ut reluat pignus quod si id negligat eo elapso
iam quaerat Creditor dominium, ita hac tamen
conditione quod dicto debitori reliquum bene ad . . .
dum

Dic ... uno casu Creditor pot̄ vitiare et vendere

de quo ... ipsius [illegible] ... autem bonis

pignus [illegible] fit creditoris [illegible] ... l. [illegible]

... C. de [illegible] ...

... cum ... sufficiet pot̄

Creditor [illegible] a debitore ... aliquid

superesset [illegible] ... l. ... [illegible]

... Ex ... omnia [illegible]

... eius ... [illegible]

[illegible] ... creditoris [illegible]

... [illegible]

f. ic ... C. de ... [illegible]

[illegible] aliqua ... in Cinotomo ...

Pater emancipans filium pot̄ [illegible]

emancipationis ac et [illegible]

[illegible] ... [illegible] ... et ... oporteret

... [illegible].

... [illegible] ... vel alio

modo ... [illegible] ... administratia ... [illegible]:

[illegible] ... de Patre ... [illegible]

matrimonii ... et 2. et ... oporteret

... C. de ... [illegible] ... [illegible].

... [illegible]

Titulus Decimus

De Ultimis Voluntatibus

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] iuris civilis [illegible] [illegible]
[illegible] autem [illegible] est [illegible] substantia [illegible]
[illegible] [illegible] et 2do forma [illegible] iuris civilis.
Ethymologiam huius nominis debemus ab eo [illegible]
[illegible] mentis. Definitur autem [illegible] voluntatis
nostrae iusta sententia de eo quod quis post
mortem suam fieri velit.

[illegible] Testamentorum duo sunt genera, militare
et paganum. Huius autem militare [illegible]
[illegible] in castris [illegible] militibus. paganum vero
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] gaudent privilegio militari quoad hoc
[illegible] [illegible] [illegible] [illegible].

[illegible] paganum [illegible] [illegible] [illegible] [illegible]
[illegible] scriptum et nuncupativum [illegible] [illegible]
[illegible] et [illegible] [illegible] et solemnitatibus
[illegible] [illegible] [illegible].

[illegible] quod attinet ad [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] abbinus [illegible] manens 2.° [illegible]
[illegible] 7 testes cui [illegible] et subscribant et
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ut testes sciant [illegible] [illegible] con:
[illegible] [illegible] scripturam, sed solum [illegible] [illegible]
ultimam voluntatem testatoris [illegible] [illegible] ita
[illegible] hac [illegible] [illegible].
3.° [illegible] personam [illegible] [illegible] testari [illegible] [illegible]
[illegible] et [illegible] faciat 2.um [illegible] [illegible]
[illegible] 4.° [illegible] eodem. Hinc sequitur [illegible] [illegible] [illegible]
[illegible] valet testam.[illegible] [illegible] [illegible] [illegible]
factum et a personis [illegible] et in 2.um [illegible].
4.° [illegible].
[illegible] [illegible] leges [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] eodem et [illegible] talis [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ibi [illegible] [illegible] leges [illegible]
[illegible] [illegible] ad testam. requisitis [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] solum [illegible] [illegible] [illegible]

[illegible] hoc consultum est [illegible] libros [illegible]
[illegible] . 2° [illegible] [illegible] [illegible] hoes
[illegible] alior[illegible] mancipia . 3° [illegible] [illegible]
[illegible] pariter [illegible] . 4° [illegible] singuli [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] mulieri [illegible] [illegible]
[illegible] [illegible] alio [illegible] [illegible]
[illegible] [illegible] singuli [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] facerit [illegible]
[illegible] hic [illegible] [illegible] [illegible] [illegible]
[illegible]

[illegible]

[illegible] nec [illegible]

[illegible]

[illegible] et [illegible]

[illegible]

[illegible]

et [illegible] casu nec [illegible] nec [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] qui sint omni exceptione maiores: Ve[illegible]

[illegible] omni exceptione [illegible] qui habet

omnes conditiones requisitas [illegible]

Hic in [illegible]

[illegible]

[illegible]

Om[illegible] prius [illegible]

[illegible] testamentum [illegible]

[illegible] et [illegible] plus [illegible]

possunt [illegible] ita [illegible] et [illegible]

pm

[illegible]

Pro testamento oblatum [illegible] 1510 testatori [illegible]

[illegible] notum [illegible]

[illegible]

[illegible]

Testamentum facto [illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] e [illegible]
[illegible] omnino [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
omne [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ita
[illegible] [illegible] [illegible].

A[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] a [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et a [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] extra [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible].
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible].

B[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]

[illegible] ita [illegible] [illegible] omnes [illegible]
[illegible] prohibentur esse [illegible] [illegible]
[illegible] est [illegible] [illegible] [illegible]
[illegible] possunt esse [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] filius [illegible] esse testis in testamento patris
vel pater in testamento filii [illegible] vel alii do-
mestici [illegible] testes et [illegible]
tenus [illegible] testes [illegible] [illegible]
domestici [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

[illegible] Causa est [illegible] omnes [illegible]
vel [illegible] [illegible] [illegible] omnes
[illegible] qui sunt sub potestate [illegible]
[illegible] et [illegible] prohibentur esse
testes [illegible] testamento [illegible] et [illegible]
[illegible] testamento [illegible] [illegible]
[illegible] possunt [illegible] simul [illegible]
et [illegible] testes esse simul testes [illegible]
testamento [illegible] ex [illegible] [illegible]

ta nec et . . . ter et p[er] ius ipso[rum] testib[us]
et reconcilian[dis] . . . et con-
. . . ac domesticis . . . prohibent esse testes in
testam[en]to. Quod sit aliq[uid] . . . ē ut hic et
. . . testam[en]to . . . principio etiam . . .
pone . . . eod[em]. Scribunt . . . testam[en]to . . .
. . . nihil . . . nomine . . . certam
. . . testam[en]to.
. . . testam[en]to solemnitate de . . . hunc . . .
sint clausa et ut . . . ut . . .
requirunt aliquae solemnitates . . . aperitione ipsorum
. . . modo et . . .
. . . aperiunt. P[rim]o ig[itur] debet adire iudicem
loci et . . . ut aperiant. Cuiusmodi
testam[en]to . . . quae . . .
. . . ut . . .
. . . succedentes ab intestato . . . ē et
in aliis . . . iudicialibus . . .
. . . Item debet . . .
. . . testes ad hoc ut recognoscant . . .
. . . et sigilla vel . . .
. . . continetur . . .

ut

ut supra
et intelligendum quod sit in potestate cuiuslibet decedentis
et instanter ut ipsius huiusmodi testamentum [illegible]
[illegible] testium non [illegible] hoc
ob [illegible] quod [illegible] hoc [illegible].
attinet ad testamentum nuncupativum quod [illegible]
aliquo in solenni. [illegible] ad
eius naturam et redigere in scriptis [illegible] solum
ad memoriam et probationem. [illegible]
[illegible] testium [illegible]
[illegible] nec ullo modo [illegible] nuncu-
pativum habet omnino publicam [illegible] hoc [illegible]
[illegible] testium [illegible] testamento.
[illegible] in nuncupativo [illegible] ut dictum est
quod [illegible] in scriptis [illegible] publicatio volun-
tatis testatoris coram [illegible] testibus [illegible]
[illegible] est [illegible] ut redigatur in scriptis
[illegible] et hoc [illegible] notarii et publici
tabellionis [illegible] omnibus locis.
[illegible] est [illegible] scriptura facta a manu tabellio-
nis [illegible] publica [illegible] tabellio [illegible]
publicum et [illegible] personam publicam [illegible]

et valeat illud sed, quamvis mortui sint
omnes testes. Immo si contingat ut inventio no-
tarius vel [illegible] ab aliqua persona mutua audiens
ut [illegible] testam.ti et ibi habeat punctus loci tunc debet
a notario [illegible] et testes apud iudicem exami-
nari si testam.to valere debeat et illud sed fa-
cere [illegible] [illegible] ita D. M. [illegible] ad [illegible]
notarius hic [illegible]

Com[illegible] est in foro exteriore testamentum imperfectum
esse nullius momenti et hereditatem a iudice
adiudicari [illegible] ab intestato sed magna
controversia est inter Theologos et [illegible]
in foro conscientiae, ut sit videre apud
D.D. [illegible] diversa omnino opiniones quas
referre nimis longum et ab instituto nostro
alienum esset. Quare [illegible] [illegible]
heredes ex testam.to imperfecto [illegible]
conscientia retinere vel hereditatem vel totam
vel in parte bona a iudice condemnati ad
restitutionem et vere se defendere [illegible] [illegible]
vel condemnati [illegible].

[illegible]

Titulus Duodecimus
De his quibus prohibitum est condere Testamentum.

Plures personae numerantur quibus in lege prohi-
betur condere testamentum et quibus colligitur
et quinque personae fuerunt illum [illegible]
ora, quibus a impuberibus et [illegible]
qui non [illegible] non potest testari seu nec et
[illegible] facultatem hic et [illegible]
illos his [illegible] cum [illegible]
dimo nec hoc [illegible] est nec [illegible]
[illegible] Ratio [illegible] quo [illegible]
[illegible] seu nec; quod ad [illegible] ita
hic et [illegible] notare [illegible] et l. 2
sententia [illegible]. [illegible] testam.
debet [illegible] et [illegible] alicam
voluntate [illegible] institutio [illegible]
[illegible] intelligendi. Aliam Rationem reddit
testam. [illegible] est iuris publici [illegible]
habet notare [illegible] publicam [illegible] illum
[illegible] et [illegible] [illegible]
[illegible] nec confirmatur [illegible]

morte iuris filijfamilias q̄d factus ē sui
iuris: Ratio Regis ē q̄ d firmat tractu
temporis q̄d ab initio nullum fuit. Certum ē
apud D. D. q̄d filiusfamilias potest testari
de peculio castrensi et quasi castrensi ita
hic et D.[a] l. fin. C. eod. Sed q̄d potest
donare causa mortis de bonis adventitijs ad
voluntatem Patris ita l. tam is ℓ per ff. de
donatione causa mortis. Ratio quidem differentiæ
ē q̄ donandi donatio capit na:
turam et contractus ut alibi diximus. ita
l. inter mortis de donatione causa mortis
Contractus autem possunt pendere ab aliena
arbitrio. ita l. in q. arbitratu ff. de verborum
obligationibus ℓ Justin.
et cōis D. D. opinio q̄d potest donare
causa mortis de bonis adventitijs quorum
usumfructum Patri ille voluit ab eo
alio contrario Patris. sed ad hoc ipse
bonis ad voluntatem Patris potest convenire
testamento ad pias causas q̄ lex civilis
nemini prohibet. q̄d vendit ad opinionem

de anima ... calidit.

2°. loco nemini ... ex ... et ... non habeat ... [illegible]

[illegible] ... [illegible]

[illegible] ... [illegible]

se consoletur ... gratia ... testamentum ... [illegible]

... [illegible] ... consuluere ... bene

et ... [illegible] ... est ... [illegible]

in conscientia ... [illegible] ... [illegible]

malitia ... grave ... Evangelium ... et

... testamentum ... causas ... [illegible]

... de dicere ... [illegible] ... habere

... testamentum ... causas ... [illegible]

habeat sufficientes ... rationis ob illud axioma

... illos ... recte ... bene agendi.

3°. loco ... [illegible] ... et

... hoc autem ... [illegible]

... hoc ... testamentum ad ... causas

ob ... consinimus. 2° ... hoc ... habet

et si ... [illegible] ... [illegible]

3°. et si ... mentis compos ...

et ... mortuus ... [illegible]

... [illegible] ... et ... [illegible]

mentis

paternis compos.

7.° [illegible] conij. indignus cui prohibita e a lege admi-
nistratio [illegible] ita l. [illegible] ff eodem. Si tn
[illegible] ius causas nullum erit ob [illegible]
[illegible] allata?

8.° [illegible] mutus et surdus simul [illegible] potate
[illegible] ff eod. et l. discretis C. eod. [illegible]
[illegible] a natiuitate [illegible] litteras [illegible]
[illegible] si [illegible] scribere [illegible] prohibetur condere testamentum
[illegible] prohibetur si [illegible] scriptum [illegible] alio
confectum et coram [illegible] [illegible] l. [illegible]
citatis.

9.° [illegible] Quod is [illegible] prohibetur [illegible] testari [illegible]
tantum debet [illegible] condiciones contentas
[illegible] hac consulto [illegible] C. eod. 1.ª condicio e
ut conficiat testamentum [illegible] 2.ª [illegible]
adhibeat Notarium [illegible] omnia [illegible]
[illegible] testamentum [illegible] [illegible]
testamentum [illegible] post [illegible] 4.ª [illegible]
[illegible] testis [illegible] adsit Notarius [illegible]
testes [illegible] modo [illegible] testamentum
[illegible] causas ab his condicio

nib.

rij. Pater si testetur inter libros et quilibet
alius in suas causas. ita D. D. coit. super
hac l. communissima.
captivus ab hoste in bello publico
[illegible]
[illegible] ita Tex. [illegible] hostes sunt
[illegible] et postliminio [illegible]
[illegible] obsides l. obsides, et eodem
et si filiusfamilias.
Plures alij pariter prohibentur testari. [illegible]
et eis credentes ita Accur. credentes l. [illegible]
[illegible] comittit de crimine lesae maies-
tatis l. [illegible] Leges Julias. [illegible] mona-
chi ita Accursius [illegible] de sacrosancta
Ecclesia [illegible]
[illegible] si habebant filios [illegible]
[illegible] Religione [illegible]
[illegible]
[illegible] de sacrosancta [illegible]
[illegible] possunt [illegible]
legitima debeant [illegible] monasterio
competente [illegible]
enet

esset unus ex filijs si sit, capere bonorum in:
mobilium. In casu autem quo uxoriam intestati
filijs debet. Ergo ... monasterio.
... animadvertendi sunt etiam damnati ad mortem
sive naturalem sive civilem ita ut testamen-
tum ante factum reddatur irritum quia
... damnatus dicitur servus est poenae ...
in d. l. eius ... ff. eod. et l. si quis filio.
Si tamen fecit testamentum ante sententiam et
moriatur ante eam valet ut habetur in l. si
... post liminium ff. eod. quod ... est et
quo vacillavit a sententia condemnatoria
et notius est ante quam confirmatur ita l.
qui a latronib.

2.° ... publicus et manifestus nisi
... vel aliam causam
... de ... ita cap. ...
... 1560.

... ita ... de feudo et bonis feudi.
... ita cap. ... feudi donet
si tamen accesserit consensus domini feudi et
agnatorum valida erit.

Finitur

Titulus Decimus Tertius
De exheredatione liberorum.

1.° In hanc materiam plura sunt notanda. 1° certum est patrem non posse omittere filios legitimos et naturales in portione quae appellatur legitima, quoad substantiam est de iure naturae, secus ad quantitatem quae est de iure civili, nisi habeat iustas causas de quibus infra. P

2.° certum quoque est non teneri nisi relinquere unicuique legitimam et omnino tamen nullam esse querelam si uni ex liberis [illegible] et extraneo relinquat totam hereditatem et ceteris filiis solum legitimam. 3

3.° certum est semper filiosfamilias [illegible] et emancipatos si non habeant filios teneri relinquere de bonis quorum habent dominium legitimam patri nisi alias habeant iustas causas exheredandi patrem de quo infra.

4.° Ut non valeat testamentum requiritur ut pater exprimat nominatim filios vel eos exheredet vel instituat eos heredes alioquin irritum

[illegible]

nascebat et non tam̄ , quo plures habet
testamentum nullum ē et invalidum ita hic ī ma-
gis quo et in illis ubi eorum ff de liberis et posthumis
quo irrita ē et a filiis pupilliis morientibus
putant. Si tamen īeo instituti fuerint heredes ab
intestato in hoc casu validum erit quo maxi-
me aduertendum ē propter eorum seu contra
ta li posthumi ff de iniusto rupto et irri-
to facto testamento.
Haec autem exheredatio duplex ē tacita vel ex-
pressa. Tacita autem contingit quando pater
vel avus maternus preterierunt illos filios
vel nepotes et in hoc casu conceditur filiis vel
in officiosi testamenti vel quo ino loco.
Expressa vero accidit quando pater vel avus
paternus privant filios vel nepotes sua
hereditate exprimendo causam talis privationis
quae expressio omnino necessaria ē
in hac lex testamenti ut sit validum ut notat
Glos. in l. 3a 8 ante heredes ff de liberis.
Praeterea requiritur et ut declaretur causa sive
ante unum brevium celebretur duobus

hic et ordinarie a [illegible] circa quod orig.
controversia inter D.D. an videlicet et aliae
quae graves vel graviores quam istae iniuriae
sint sufficientes ad extendendum in contra
praeteritione aliter D.D. affirmant non obstante
illo argumento quod [illegible] et generalis.
[illegible] ut similiter [illegible] ut notat [illegible]
[illegible] hic 4 et [illegible] remedio contra tales
exheredationes. 13
Sed [illegible] dictum est supra quod filijfamilias seniores
delinquentes [illegible] legitimo vel et alijs
[illegible] ex parte [illegible] sicut habet [illegible]
et ipso ante [illegible] [illegible] ut [illegible]
appellatione [illegible] [illegible] causae
ob quas filias potest [illegible] [illegible]
quas omnes [illegible] hic n°. 20 a d°. [illegible]
Praeteritio parentum vel aliorum propinquorum [illegible]
[illegible] [illegible] invalidat testamentum. Unde eis
competit querela, ita loco supradicto [illegible]
inofficioso testamento [illegible]
quod nullam iustam causam habens praeteri-
tionis sane institutio est [illegible] [illegible]
[illegible]

ita d. ii com.

Et notatur circa posthumos infra scripta sunt notanda primo quod nulla causa potest haberi [illegible] in his ipsos expellendi exheredandi, quod nemo [illegible] de legitimis [illegible] [illegible] rationis. ita l. si quis [illegible] ff. de lib. et posth. vigore testam.

2o quod tria sunt genera posthumorum primo illorum qui nascuntur post humatum patrem. 2o eorum qui vivo quidem patre sed post conditum eius testamentum 3o tandem eorum qui nascuntur [illegible] vivente [illegible] heredes [illegible] his verbis.

certum est quod posthumus [illegible] nunquam omnino [illegible] testam. sive masculus sive femina, ita l. maximum vitium C. de liberis praeteritis. posthumus autem [illegible] est monstrum nunquam [illegible] ac sit [illegible] ita l. qui nostri ff. de verb. obligatione [illegible] [illegible] licet [illegible] [illegible] [illegible] [illegible] habere [illegible] ff. de [illegible]

ex

et l. 3a. C. de posthumis heredibus insti-
tuendis.

Hac occasione [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
ne quod foetus nondum erat animatus de-
cimis poena relegationis [illegible] [illegible]
ns poenae mortis ita l. Divus ff. de ex-
traordinariis criminibus. quam [illegible] [illegible]
et l. ille qui mater eius medicamentum
ad abortiendum [illegible] l. si quis aliquem ex
metallo [illegible] in abortionis ff. de poenis.
[illegible] autem hic D.D. [illegible] [illegible]
[illegible] masculus animatur [illegible] a die
conceptionis si foemina [illegible] I.o [illegible]
in dubio an fuerit masculus vel
foemina censendum est fuisse foemina[illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]

Non solum posthumus praeteritus rumpit
testamentum sed et Agnatus praeteritus an
[illegible] [illegible] [illegible] [illegible] [illegible]
nullo [illegible] [illegible] Agnatum [illegible]

rumpat

moriatur ante testatorem minores magnum
tamen testam. [illegible] fuerit ius nati [illegible]
ita Tex. hic et [illegible] D. posthumi [illegible]
de iniusto rupto et irrito facto testam.
Ergo doctrina extendit et filios eman-
cipatos neglectos ita in D. [illegible]
Hic est advertendum quod licet neglectio [illegible]
nuper testam. quo ad heredis insti-
tutionem sit valida est tamen quo ad con-
tenta in testam. et et quo ad legata
ita habetur in [illegible] ex causa et D.
de libertis
praeteritis.

[illegible] [illegible] [illegible]
Ad [illegible] [illegible]

Circa hanc materiam advertendum est quod haeres
repraesentat personam defuncti et ideo eius
[illegible] in omnibus iuribus ac etiam [illegible]
[illegible] continuandis [illegible] [illegible] [illegible]
[illegible] [illegible] actione [illegible] [illegible]
[illegible] omnium iurium quae erant defuncti
[illegible] dominium [illegible] [illegible]
[illegible] [illegible] [illegible] animi [illegible] [illegible].

[illegible]

ī ē ultimi corporali ut l. [illegible] principio
ff. de acquirenda possessione,
(Plures) quod personae prohibentur à l. institui
heredis [illegible] primus nominantur. ut banniti
perpetuo vel proscripti ex libera civitate
cesserunt mortui ut l. [illegible] C. eod.
2.° Natus ex coitu à l. l. damnato ita [illegible]
ex complexu C. de incestis nuptijs. hij tu
prohibentur institui heredes à patre vel ab
ab extraneo cum at ab avo materno ut
docet Plato et alij D.D. l. [illegible]
de Legatis.
3.° Apostatae nimirum illi qui defecerunt à fide
iam s. hic sanctae C. de Apostatis [illegible]
communicantur. [illegible] l. manichaeos C. de
haereticis.
4.° l. Civili mulier nubens infra annum
luctus. [illegible] ex omnino condemnata à
[illegible] Caus. cum [illegible] extra
de 2.is nuptijs.
Persona [illegible] vivi heres
[illegible] ac si [illegible]
visti

instituti heredes, ita l. quoties in [illegible]
iunctis et [illegible] notatis ff. eod. Quippe
est in [illegible] generatim sive alicuius loci par-
ticularis consuet. principali heredes faciat vel
causa, ita l. ad id quod [illegible] et l. ult.
Et si Testator non determinavit quos pau-
peres voluerat heredes, tunc Episcopus
illius loci debet id declarare, ut est text.
D. D. omnino.

Non solum una persona sed plures possunt
instituti heredes equaliter vel inequaliter, [illegible]
[illegible]. Hic intelligendum est quod tota hereditas
[illegible] in [illegible] [illegible] [illegible]
assis et singule partes huius habent suo
proprio nomine quod [illegible] communi [illegible]
[illegible] [illegible] [illegible] [illegible]
et a testatore in [illegible] tota hereditas
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible], ut [illegible] hic et in [illegible] [illegible]

[illegible] de reg. Iuris.

Heres institutus non solum quando cum [illegible] conditione, ut [illegible] dies [illegible] post [illegible] v.g. a morte Testatoris vel etiam aliquos determinatos annos l. [illegible] io: tunc institutus succedit statim post mortem Testatoris [illegible] tamquam debet ex illa clausula dies incerti [illegible] pro non adiecta et consequenter heres fuit institutus [illegible] l. [illegible] de [illegible] et l. ei qui solvendo ff. de heredibus instituendis. [illegible] heres [illegible] tempore [illegible] institui non [illegible] et consequenter [illegible] dies incertus [illegible] l. [illegible] ff. [illegible]. Ratio est [illegible] tali [illegible] dies incertus [illegible] conditionem [illegible] l. dies incertus ff. de conditionibus et demonstrationibus. Ad quid autem mortem Testatoris [illegible] tempore [illegible] heres [illegible] tempore [illegible] [illegible] [illegible] apud D.D.

Conditio [illegible] apponi, ut sit impossibilis [illegible] 2:

2. natura ut dicitur [illegible] tempori vel con-
tra bonos mores ut si heres occidat inimicum
Testatoris talis conditio reijcitur a iure et con-
cessa pro non adiecta et heres nihilomi-
nus potest adire hereditatem ita hic et l. con-
ditiones contra edictum ff de conditionibus
[illegible] et l. obtinuit ff de conditione
et demonstratione. Et ideo dicendum de con-
ditione [illegible] continenti [illegible]
loco.

Conditio [illegible] impossibilis de facto [illegible]
a [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ita ut non [illegible] [illegible]
[illegible] Testatoris vitiat ultimas voluntatis
[illegible] hoc [illegible] [illegible] [illegible]
[illegible] instituit heredem [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] ff de conditionibus institutionis.

Conditiones possibiles sunt [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] principio et l. medius ff de conditione
et demonstratione.

[illegible]

Tandem post institui heres et illi quem
Testator novit solo nomine et [illegible] ita
hic et. [illegible] fin. et l. extraneum et penult.
C. de heredibus instituendis.

Titulus Decimus Quintus
De substitutionibus.

Circa hanc materiam [illegible] iuris scientia [illegible] et
[illegible] [illegible] [illegible] ut valde difficilis utilis
et [illegible] est circa eam notandum primo quod sub
substitutio secundum heredis institutionem super
[illegible] ea deficit ex quo fit quod illa
[illegible] vulgaris et [illegible] [illegible]
nec potest [illegible] [illegible] [illegible] secundum
Glossam in dicta l. in principio in verbo [illegible],
et eodem et sic omnes [illegible] [illegible] post
primum heredem [illegible] substitui [illegible]
unus post alium [illegible] [illegible] [illegible]
[illegible] qui videlicet vel nunc vel [illegible]
adit hereditatem.

Secundo quod [illegible] [illegible] [illegible] [illegible]
quod alio nomine [illegible] [illegible]
et precario quae non proprie est substitutio [illegible]
[illegible]

dixi . . . infra de pupillari substitutione.
et tunc accidit quando Testator instituendo heredem
. . . Titio committit ut hereditatem restituat
. . . Caio tunc Titius est gravatus heres
primarius et institutus sed sub hac conditione
ut si adeat hereditatem eandem restituat . . .
retenta sibi solum quarta parte totius
hereditatis detracto aere alieno . . . quarta
est . . . et appellatur quarta Trebellianica et
in tali casu substitutus fidei commissarius
recipit hereditatem de manu alterius . . .
testatoris de quo infra . . .
Substitutio vero ex . . . immediate . . . et directa
. . . sub se . . . species . . .
. . . Rub. . . . et . . . cap. Raimundus de
. . . alia . . . vulgaris alia exem-
plaris alia Pupillaris alia Brevi-
loquia et alia Compendiosa.
Quod attinet ad vulgarem . . . dixi . . .
. . . et haec duplex est alia expressa
. . . fit verbis negativis ut si Titius non
erit heres Caius: Alia tacita . . .

n[illegible] negatio [illegible] tamen [illegible] ut
cum Testator dixit instituo Heredes Seium
et Caium et eos invicem substituo [illegible]
[illegible] si dixisset si unus eorum Seius Heres
sit alter ex quo fit ut si [illegible] adeat
hereditatem etiam si postea moriatur eius portio
non transit ad heredem substituti [illegible] transmissa
[illegible] ad heredes morientis [illegible] hec substitutionis
natura ut adita hereditate [illegible]
[illegible] et cessat ut [illegible] post [illegible] Cod. de
impuberibus et aliis substitutis.

Hec Substitutio habet has proprietates [illegible]
testamento firmari potest a substituto ut habet
Tex. in l. [illegible] ff. de liberis et Posthumis
2.ª [illegible] Vulgaris expressa continet pupillarem
l. [illegible] hoc sine [illegible] Ratio est [illegible]
[illegible] adeat hereditatem substitutus eam
capit ex vulgari si vero adeat et moriatur
[illegible] pupillarem [illegible] substitutus succedit ex
pupillari [illegible] statim adita hereditate
[illegible] extinguitur substitutio
[illegible] talis [illegible]

ē conditionalis da [illegible] alitad [illegible]
eadē ex [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
aliu omnes [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] fideicommissaria [illegible] obliqua
non ut [illegible] contingit [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
ba obliquariis et [illegible] [illegible] [illegible]
fideicommissa ita docet Glos. hic [illegible]
ā D.D. approbata.
Plura alia [illegible] hic [illegible] [illegible]
[illegible] contingit [illegible] talis substitutio [illegible]
[illegible] [illegible].

Titulus XVI

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] substitutione [illegible]
[illegible] et Vulgare [illegible] [illegible] [illegible]
adit hereditatem. [illegible] [illegible] [illegible]

ee: Expressa ut cum Testator dicit ali-
quem filium meum heredem impuberem et si ille
non adierit hereditatem vel si adierit moriatur in
pupillari aetate substituo illi Caium
Tacita ideo esse tacite quando videlicet Testator
non ponit alternativam sed simpliciter dicit
si Filius meus non erit Heres substituo Caium
et nequaquam tacite praesumitur: modo velle
filio providere de herede. ita l. 10a et sed
l. 4 ff eod.

Intelligendum autem est quod si impubes moriatur post
aditam hereditatem substitutus ipsi succedit
si nemo ante successit tunc. Sed advertendum
quod si Testator dicit si Filius meus moriatur
ante decennium substituo Caium excludit
aliud dicit si filius moriatur post decen-
nium tamen ante pubertatem non succedit
Caius sed heredes ab intestato. ita l.
l. si ita 41 ff eod.

Plura exempla in hanc substitutionem
recensita in l. 2a principio. ut in
substitutionibus pupillaribus seu in s. ... liberis ...

exemplum

Legitimum et Naturalis simul & Legitimus tantum. Substitui potest et Naturalis et Pronepotibus eorum & Posthumis ut D. D.i l: et posthumi l.et l: qui D. uteris ff. ... natal hom. c 2.o ut sit impubes. Durat autem huiusmodi status in masculis usque ad 14 annum completum in feminis usque ad 12 ut dicitur D. ... +
... 3.o ut sit in potestate testatoris ideo mater non potest ... 2 dies D. D. ... post Batt. ... l: 2 . 4.o ut is cuius substitutis efficitur ... ... post Testatoris mortem in potestate patris ... ... 5.o ut in impubes maneat in potestate Testatoris usque ad mortem ... ... ff. eodem. 6.o ut cuius ... ...

... in

in Testam.to. 1.o quod maternae adeat
Patris haereditas nam non potest auctoritari, nisi pupillo
in alijs bonis, sive adeat testatoris haereditas
in pupillus vls. habeat fora adimentia
in alita haereditate succedunt in his haeredes
haeredes ab intestato.

Effectus huius pupillaris substitutionis sunt
infra scripti. Primus quod trahit secum in
solidum substitutionem in omnis paternis Testa-
toris sed etiam in quibuscumque pertinentijs ad pu-
pillum quomodocumque modo nuper dicto ita
in l. cum [illegible] [illegible] ad substitutus.

2.us quod pupillaris substitutio excludit
matrem et omnes ascendentes in linea natura-
na ab haereditate filii pupilli ut habetur l.
[illegible] in fine [illegible] eodem. Si tamen
mater [illegible] [illegible] ponet [illegible] substi-
tutus in iudicio ad praestandas ei alimenta.

Pluribus modis extinguitur substitutio. Primo quod
[illegible] [illegible] et in [illegible] [illegible]
[illegible] ut [illegible] [illegible] et in hoc casu
[illegible] [illegible] [illegible] haeredes ab intestato.

de casula infra eod. et l. 3. pupillari ff eod. 2.° quod Testator brevius tempus constituit quam Pubertatis eo tempore finitur et substitutio modo nuperi [illegible]. 3.° si Substitutus non sit capax hereditatis [illegible] qui heres ff eod. 4.° si Pater [illegible] [illegible] tale [illegible] [illegible] testam. [illegible] filio [illegible] [illegible] [illegible] testamentum [illegible] filio [illegible]. Tandem si [illegible] conditionale et conditio apposita deficiat l. cum filiis [illegible] principio [illegible] Gloss. ff eod.

Caput Nonum de Exemplari Substitutione

Exemplaris ideo dicitur eo quod sit instituta ad exemplum pupillaris et causa humanitatis l. humanitatis C. de Substitutionibus. Hæc autem substitutio [illegible] habet non solum in filijs furiosis [illegible] in quibuscunque [illegible] [illegible] [illegible] ob. defectum intellectus

unus

usus rationis ... sicut d.... supra. ideo et pot fieri Adoptio et Pupillaris quemodo, statim ut ... ... constitute in limitationibus ... supra ... libyari.

... tamen ... ... Naturales tantum ... l. ex facto. Hoc requiritur ut filii ... ... et ... ... hoc modo substitueri causa humanitatis ... ... requiritur tamen ut pater sit ... ... dus transtulit ... ita Bartolus in ... D. D. supra ... l. ex facto.

Non e tamen omnino ... ... ad libitum substituere exemplariter sed si habeant filios debent illos substituere, ... et ... ... necessario ... ... ut ... l. humanitatis.

Et si furiosus convalescat cessat et causa substitutionis et per consequens ipsa ... ... ut ... l. humanitatis ... hoc ... ... infirmitas ...

uolunt id expirare nostitutione ... sacerdos. Alij uero hoc concernit [illegible] [illegible] tempus conualuit, siue non [illegible] broke.

... et [illegible] expirat [illegible] superueniente rationi... tate alij ac alijs et modis de quibus in... fra dicemus de Pupillari Substitutione

Preter duas Substitutiones dant et [illegible] alie... mas alterum [illegible] [illegible] sine [illegible] ... [illegible], alias uero compendiosa de quibus et de earum natura [illegible] uideri D. [illegible] et precipue Oinothomus hic qui de huiusmodi multas facit [illegible]! –

Titulus X VII

De modis ... infirmantur testamenta

Dictum est hactenus de modis quibus fiunt testamenta. nunc gradus est ad modos infirmandi et irritandi [illegible] [illegible] aduertendum est hoc locum habere si [illegible] de testamentis [illegible] a [illegible] ... ita fierent & iusta [illegible] [illegible] ... hoc nomen [illegible] [illegible] ...

..., quod est factum iuxta Leges. Haec si
fuerint iniustum sive invalidum sive
vim effecta a principio non possunt dein
infirmari. Ad hoc autem ut nocens iusta
requiruntur, 1º ut is qui testatur habeat
testamenti factionem activam. 2º ut qui insti-
tutus heres habeat passivam. 3º ut
non sit exclusus ille quem oportebat
instituere aut expresse excludere. 4º
ut servatae fuerint solemnitates de
iure Civili requisitae. Ex talibus testamento
iusto is qui institutus est heres etiamsi
extraneus capit hereditatem exclusis ve-
nientibus ab intestato. At quando testamentum
fuit iniustum ex aliquo defectu ex
supra dictis exclusus institutus capiunt he-
reditatem venientes ab intestato, idest qui
vocantur a Lege.

Plures quibus sunt modi quibus quisque testamento
quod alias erat legitimum

1. Ex agnatione Naturali quando scilicet Patri
Testatori filius post conditum eius testamentum

de

de quo ipse nullam mentionem fecit sive
nascatur ante mortem sive post mortem
[illegible] ita ff. de [illegible] et l. [illegible] in principio [illegible]
[illegible] ff. [illegible] de [illegible] instituendis
natis post testamentum morietur ante [illegible]
[illegible] quo ad effectum ita ff. posthumi
ff. eod. l.
2.us est per [illegible] civilem quod post condi-
tum testamentum [illegible] q. cui [illegible] est
rumpitur testamentum ita dic [illegible] principio et
l. [illegible] supra citatis [illegible] et [illegible]
adoptionem factam [illegible] ab ascendente [illegible]
in [illegible] institutus [illegible] l. [illegible]
ff. eod. et Glos. hic [illegible] rumpitur.
3. est per posterius testamentum [illegible]
ut hic [illegible] l. [illegible] ff. eod. [illegible]
fecit [illegible] nominatim [illegible]
perfectum [illegible] omnis [illegible]
[illegible] ultimo [illegible] hereditas [illegible]
[illegible] adiri potest sive [illegible] institutus
est mortuus ante sententiam vel post
[illegible] adeat hereditatem vel

vel q[ui]a factum fuit sub aliqua conditio-
ne [illegible] [illegible] fuit [illegible] ante morte[m]
[illegible]. [illegible] hic apud capit[ulum] omnib[us] heredibus
[illegible] [illegible] heredes et [illegible] [illegible]
[illegible] hic. Que cond[itio] habent etiam [illegible]
apponatur clausulam derogatoriam [illegible]
[illegible] solet apponi a Tabellionib[us] ita [illegible].
[illegible] [illegible] [illegible].

Ampliatur supra d[ic]ta [illegible] [illegible] non est et [illegible]
heres institutus [illegible] heres [illegible] [illegible] [illegible]
sed tantum [illegible] certa[m] [illegible] [illegible] [illegible]
[illegible] ad Senat[us] consult[um] Trebellianum. Ratio
[illegible] est q[ui]a [illegible] [illegible] alius heres insti-
tutus [illegible] aliqua hereditate [illegible]
certa[m] censet[ur] institutus universaliter ut docet
[illegible] [illegible] [illegible] fundo [illegible] heredib[us] instituendis.
[illegible] [illegible] [illegible] institutus [illegible] certa
[illegible] tanquam Legatarius ut docet [illegible]
[illegible] quoties [illegible] heredib[us] instituendis

2 · [illegible] Testator [illegible] ut valeat
et [illegible] [illegible] nihilominus [illegible] q[ui]a
[illegible] contra [illegible], ut [illegible] [illegible] [illegible],

ff. d. l. [illegible] Hæc verba videntur [illegible] hoc
qd licet prius testam.tu nunquam [illegible]
testam.ti valeat tamen tanquam [illegible]
fideicommissa itaque relicta [illegible] debe-
bis [illegible] alii specialiter sunt assignatæ
ad [illegible] ad complendam [illegible]
faciendæ et aliquid contra [illegible] hæ-
redis [illegible] superiori [illegible] hic et l. sequ.
priori [illegible] notatis.
Atque et alia distinctio Testam.ti [illegible]
illud qd à principio fuit [illegible]
[illegible] infirmatum
aliud factum [illegible] mutatione [illegible]
[illegible] propter mutatum Testatoris
statum [illegible] accidit [illegible] maxima et media
capitis diminutione ut habetur in [illegible]
qui [illegible] ff. de testam.tis [illegible]
et irritum [illegible] eod. et [illegible] minima videlicet
[illegible] illius qui non erat [illegible]
conditi testam.ti [illegible] confirmat [illegible]
[illegible] ff. de Iuri codicillorum.
Id

Actum de Cond. [illegible] Actioni [illegible]. [illegible]

Circa quod advertendum est [illegible] testam. vel imperfectum [illegible] vel [illegible] [illegible] testator [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] natura [illegible] minima [illegible] [illegible] [illegible] [illegible] confirmet testam. [illegible] [illegible] in Codicillo ut notat hic [illegible] cum aliquibus observationibus.

In imperfecto advertendum est quod ad hoc ut revocetur prius testam. legitimum non sufficit sola [illegible] testatoris [illegible] quod declaravit coram [illegible] testibus sed requiritur quod post talem declarationem currant 10: anni in quibus nihil innovetur ut e[st] tex. in l. sancimus C. de testam. [illegible]

Advertendum item quod posterius imperfectum non potest rumpere prius perfectum ut habetur tex. hic. tamen quod [illegible] habeas contrariam [illegible] Heredes [illegible] vel alias [illegible] Principes ad hoc ut

[illegible]

Adversarius potentior [illegible] in-
veniat talis testamentum ut melius est confuse-
[illegible] ad Emulationem

Titulus i 8

De inofficioso Testamento

In principio huius Tituli [illegible] Auctor
contra Novercas quae 2do [illegible] Civiles sunt
[illegible] contrarie filijs prioris matrimonij
quae solicitant et instigant maritos contra
[illegible] ut habetur Glos. [illegible] super
verbo Noverca et dicitur ideo novercae Novercae
quasi [illegible] nocentes.

Quod attinet ad inofficiosum testamentum ut intel-
ligendum est talitur dici quod est contra pietatis
officium quod parentes liberis et liberi paren-
tibus praestare debent ut habetur [illegible] 2a et
[illegible] de obsequijs

2.o quod debent dicere [illegible] inofficiosi testamenti
apud Iudicem ad [illegible] ut ipse declaret
[illegible] nullum esse [illegible] eorum [illegible]
[illegible] declaratio est dispositio et [illegible]
ratio ad petendam hereditatem ita [illegible]
mobiles

nobilis. q. de Procuratoribus, et ib. D.D. communiter.)

3.o Quod talis nobilitas in unico tantum casu locum habet, quo scilicet statutum excluderet filias vel alios sine ulla causa legitima; sed si fuit talis causa, quae tamen non potuit ab herede probari, tunc probatio omnino necessaria est ad tollendam exheredationem, sicuti communiter docent D.D. post [illegible] in fine et alibi et [illegible] dicto debent esse plenae [illegible] [illegible] [illegible] sicut [illegible] [illegible] et [illegible] [illegible]

4.o Quod [illegible] competit omnibus descendentibus [illegible] nomine liberorum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de masculis sed et de feminis [illegible] [illegible] [illegible] [illegible] naturalis [illegible] [illegible] [illegible] succedunt [illegible] [illegible] [illegible] [illegible] [illegible] naturalis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible] est et [illegible] conveniat [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] gemmis sunt [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] in [illegible] [illegible]

Compellit item ut [illegible] supra Patri erga filios naturales et legitimos & nati et illos [illegible] naturales et [illegible] [illegible] [illegible] [illegible] [illegible] fuerint exhaeredati ex causa legitima de qua supra.

Collateralibus autem et fratribus non compellit nisi instituta fuerit persona turpis. Talem autem personam [illegible] & fabulam dicunt [illegible] res [illegible] sunt infames ut Venereij Le-vonianae, [illegible] et Ebrioti. Sed hoc tamen casu [illegible] conceditur querella fratribus uterinis tantum, nec etiam pure naturalibus legitimatis per Rescriptum Principis.

Aliqua etiam sunt advertenda circa hanc querelam. [illegible] [illegible] locum solum quo exhaeredati non habuerunt causam legitimam. Et hoc ex dictae Institutionis. Aut si solum sine Legati non

nessiut

sufficit ad tollendam querelam & aliud inconve-
[illegible] in verbo praeteritis nec si integra est
legitima relicta dicitur institutionis, et in
libris [illegible] utique hereditatis [illegible]
ut petitam quartam talis quarta ut habetur
in d. § fi. et d. l. cum quaeritur. versi.
[illegible] sancimus C. eod.

Secundum quod si relicta fuerit in portione
minori quam est legitima potest solum
agere ad supplementum legitimae ut in l. om-
nimodo C. eod.

3m quod legitima est 3a pars totius hereditatis
defuncti decedentis quod filii sunt 4or
vel pauciores & dimidia quando sunt 5
vel plures ut dicitur in Auth.
Novissima C. eod. unde dantur
hi duo versus metrici

Quatuor aut infra dant natis jure trientem,
Quinque aut supra dant natis jure semissem

4m quod [illegible] sextans ex [illegible] infir-
matur propter liberam [illegible] hoc
[illegible] solum quod [illegible] heredem instituendo

ut vero quod ad Cleria ut habetur in titulo
ex causa C. de liberis praeteritis
8. quod autem plures casus in quibus omnit hac
querelas ... nostra videre totius quod Rivi
[illegible] liberis [illegible] hoc.

Titulus XX.

De heredum qualitate et differentia

Circa hanc materiam advertendum est primo quod aliquando
hereditatem est idem ac eadem dominium hic.
[illegible] ac Juris ac unius verbo transmittere
ad alium omnia, quae spectant ad se tempore
mortis propriae personae Testatoris.

2o. quod heredum divisio: in necessarios tamen in
suos et necessarios et in extraneos. Necessarii
necessarii vocantur Servi cum mancipia
qui velint nollent [illegible] adire hereditatem
sed non poterant repudiare sicut ceteri heredes
habebant in hoc beneficium et commodum quod
simul cum hereditate capiebant libertatem
[illegible] fiebant cives Romani ut in lex hic et in
l. sit conditio, et ff. de heredibus instituendis.

Seni

Sui et Necessarii vocantur filii et filiae itemque
descendentes ex filiis masculis, non tamen ex femi-
nis, adeo et dumtaxat ut sint in potestate [illegible]
Testatoris morientis; nam filii emancipati non di-
cuntur heredes sui, sed extranei, ut est text.
hic [illegible]. Nepotes autem in post [illegible]
mortem incidunt sub potestate Patris, non dicuntur
heredes sui sed domestici.
Dicuntur itemque necessarii quia [illegible] est quae
[illegible] Patris heredes ipsos necessario exsi-
stunt nec abstinendi aliquis invenit remedium.
Antiquitus autem dicebantur necessarii [illegible]
[illegible] filii necessario [illegible] Patris [illegible]
[illegible] nunc correctum est et illicita [illegible]
[illegible] quae sunt in [illegible] filios.
Plures effectus oriuntur ex hac [illegible] et
necessitate [illegible] filii dicuntur
domini bonorum [illegible] [illegible]
[illegible] in [illegible] 12 [illegible] in mortem
Patris [illegible] continuatur dominium [illegible]
[illegible] continuum [illegible]
[illegible] mentis et voluntatis motum

Patre

Patri [illegible] tamen naturalis nisi adeant heredita-
tem, tamen hanc acquisitionem per apprehensionem ut
[illegible] heredes. Spurii [illegible] acqui-
renda possessione [illegible] heredes. Sui et
non adita hereditate [illegible] ad continua-
[illegible] eorum mortem transmittunt
[illegible] heredes ut non habet locum
in extraneis [illegible] filiis [illegible]
[illegible] deliberandi.

Heredes extranei dicuntur omnes illi qui non sunt
sub potestate Patris tempore mortis ipsius
[illegible] et filii emancipati
dicuntur extranei et omnes filii ac nepotes
[illegible] matrimonio [illegible] dicuntur
ex [illegible] ipsius.

Quod attinet ad filios [illegible] heredes
[illegible] omnes [illegible] prohibentur a
[illegible] Debent autem esse capaces et tempore con-
di testamenti et tempore mortis testatoris et
tempore aditae hereditatis [illegible] conditio [illegible]
[illegible] heredes sui et necessarii [illegible]
[illegible] statim [illegible] ad eos [illegible]

[illegible]

[illegible] hinc [illegible] quod eius conditio testamenti
et postea [illegible] a [illegible] annullatum
valet enim testamentum [illegible] quia nullus habetur res-
pectus ad tempus intermedium.
Licentia autem est iure extranei adire
hereditatem et sui se immiscere heredi-
tati ob rationem supradictam quia hi
primi non sunt heredes nisi adeant.
Posteriores vero sunt dummodo non renun-
cient per tempus a lege statutum in
[illegible] adire quando non repudiant.
Cum autem vel adita hereditate vel
non repudiata modo supra explicato
heredes fiant debitores non solum legata-
riis sed etiam creditoribus Testatoris
ob acceptationem hereditatis, et heredibus
semel aditam non licet amplius repudiare
nec semel repudiatam similiter am-
plius adire, ideo lex volens consule-
re heredibus ut inducant spatium
deliberandi concedit alterum annum
et annum spatium a die mortis testa-
toris

[illegible]

[illegible]

[illegible]

2m Remedium est confectio inventarii omnium [illegible] et [illegible] hereditatis cuius inventarii formula [illegible] de iure deliberandi.

3m [illegible] autem [illegible] [illegible] in inven[illegible] [illegible] [illegible] [illegible] et naturae [illegible] hic. hoc tamen [illegible] advertenda.

[illegible]

[illegible] non teneatur ad [illegible] et non [illegible] [illegible] DD. [illegible].

[illegible] solemnitatis requisitas in inventa

[illegible]

[illegible] varium est [illegible]

[illegible] determinationi q[illegible] dicitur est super

[illegible] [illegible]tatem non [illegible]

[illegible] et simul [illegible]

[illegible] Advertendum est [illegible] hoc [illegible]

est de [illegible] altaris non [illegible]

[illegible] [illegible]

[illegible] a[illegible] dē [illegible] ita [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] additiones in [illegible]

novo [illegible] explicare [illegible]

[illegible]

[illegible]

[illegible] tractatum de testamentis incipit [illegible]

[illegible]

[illegible]

[illegible] ff de [illegible] et l. [illegible] C. [illegible]

[illegible] et [illegible]

[illegible]

[illegible]

l. de [illegible] referens.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ff de [illegible]

[illegible] et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] comissa causa [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] est eventus [illegible]

Ad attinet hanc actionem hipotecariam hec com-
petit Legatariis ... leges omnes res testa-
toris sunt tacite ... hipotecate donec
soluatur Legatum ita dicitur l. pa C. comia de Legatis.
Competit autem hec actio quando res habent (bene)
aliquando supra locum ... contingit ... quando
Legatum est res incerta in genere vel quanti-
tate .2.o quando Legatum est res aliena. 3.
quando Legatum est alternatiuum dicitur hoc vel illud.
Res tamen propriae heredis non remanent obli-
gatae Legatariis sed tantum res testatoris.
... est aduertendum ... quod ... aliquid per uerba
directa ad Legatarium est Legatum ... uero
per uerba inflexa et ... directa scilicet
ad heredem est fideicomissum ... ut si
Testator dicat rogo ... heredem ut tradat ...
... Titio uel aliis uerbis idem significantibus.
2.o ... Legatum et fideicomissum ...
... in omnibus ut ... l.
l.a ... de Legatis et l. pa ... 2.a C. coia
de Legatis ... omnia ...
...

[illegible]

[illegible] de Legatis locum habent et in
fideicommissis particularibus, [illegible] contra iuxta
illas regulas [illegible]. At [illegible] duo [illegible]
a lege [illegible] causa. Et [illegible]
[illegible] ut habet Glos. fin. [illegible]
[illegible] quod [illegible] duo [illegible] modo
[illegible] alteri [illegible]
[illegible] alter gaudet eodem pri-
vilegio [illegible] alter [illegible] contra, ut docet
Bart. [illegible] ceteris D.D.

Sectio 2.a

De [illegible] nomine Legati

1.a [illegible] tractatur [illegible] Legari pot-
est ipsius Legatarii [illegible] quilibet [illegible] dominus
et moderator [illegible] ut [illegible] mandato
[illegible] mandati.

2.a [illegible] Legatis [illegible] Testator [illegible]
[illegible] ita hic
[illegible] familia [illegible]
de Legatis [illegible] hal [illegible]
[illegible]
[illegible] traditione

[illegible]

sicuti contigit in [illegible] Testatoris, ita in l. a titio in fine.

3.° Quod Legari potest res cuius usus alio Legato usu concessi. Testator Legavit alicui usum fructum et dies quod in ipsa [illegible] 2do [illegible] hic [illegible] Tex. in l. quinta [illegible] [illegible] l. [illegible]. [illegible] amplians D. [illegible] contra [illegible] quod [illegible] [illegible] [illegible] [illegible] et si Testator [illegible] in specie fundum [illegible] concedens, quod [illegible] habet [illegible] alio.

4° Quod potest Legari et res aliena ut habet Tex. hic [illegible] [illegible], [illegible]; [illegible] Dd. ita [illegible] quod hoc [illegible] sit [illegible] quod Testator [illegible] [illegible] aliena [illegible] [illegible] [illegible]. [illegible] et tradere Legatario [illegible] et si Dominus nolit eam vendere [illegible] [illegible] maiori pretio, quam valet [illegible] [illegible] [illegible] Legatario pretium [illegible] ipsius, [illegible] in l. [illegible] [illegible], [illegible].

[illegible] de Legatis.

[illegible] vero Testator [illegible] [illegible] [illegible] aliena [illegible] Legatum [illegible] et in [illegible] l. [illegible] alienum. Ratio [illegible], quod [illegible] nullus [illegible] [illegible], ut habetur.

habet. i. § l. 2. iticim C. de iuris et facti
ignorantia. Licitant vero D. D. sed quod
... dic e quod teneat l. leges eiusdem te-
xtu habeat locum solum quod legatum factum
fuit persone coniuncte. vel non alterius.
Glosa autem et D. D. coiter explicant
vbe personis coniunctis venire omnes propin-
quos, usque ad 10. gradum de iure ciuili, secundum
supradicta l. et olim, et iudicis arbitrio
de iure ita arbitrari.
Cui autem incumbat probare an Testator sciuerit
vel ignorauerit rem esse alienam ... Heredi
ne vel Legatario, respondendo ... illa regula
iuris quod actori semper incumbit probare
suam intentionem, excepto solum quod presump-
tio iuris stat pro ipso, quod ... spectat
ad rem adde Glosam hic super verbo ...
... et § l. ab ea parte, ff de probatio-
nib. et si possideris, C. de probationib.
Cum possit legari et res originaria ... cum
si ... id ... legis ... liberare,
ita hic de l. ... ff de legatis j°. ...
...

Tertium est quidem quod Legata fuit aliqua
res in particulari, hoc si in Vniversali ut pro
pecunia et aliquae ex his solutae sint oppigno:
ratae, tunc ad Legatarium pertinet quod ad
ipsum transit cum suo onere ita Dl. cum pater
in rem, ff de Legatis 1°. quod vero testator
nesciebat rem esse oppignoratam spectat ad Lega:
tarium eam liberare, quod non a persona coniunc:
ta.

Plura alia [illegible] à L. in quibus potest consti:
tui Legatum quod res firma in speciali ut fructus
praedii, partus ancillarum etc. ita hic et l. quod
in rly. ff de Legatis 1°.

2.° quod ponit Legari et debitum ipsi debitori
et sic eum liberare ab obligatione soluendi
aut et solui differre solutionem ad tempus
ita hic et l. 1a. ff eodem, si tamen testator
exigat creditum, cessat Legatum ita Dl. in solum
autem, ff liberatio ff eodem. Tandem quod
aliquam utilitatem afferat Legatario.

3.° quod si maritus faciat Legatum Vxori de
eius dote exprimendo quantitatem ipsius
valide

unlike fit etsi non habuit tantam vel nullam
quia in hoc casu heredes tenentur prestare ad in-
tegrum. Hoc sic non potest fieri in fraudem et
damnum creditorum ut ... et alibi dictum est. Verum in
tali casu tenetur evidenter probare sibi datam
fuisse tantam dotem tempore matrimonij, vel
post.

4.° quid si res legata periit post mortem Tes-
tatoris sine culpa heredis et heres non fuit
in mora tradendi ob quam periit, heres ad
nihil tenetur, ita lib. et l. ... ff. de
[illegible]. Ratio est quia ex una parte [illegible]
actionem quod res suo perit domino [illegible]
in hoc non accedit ulterius culpa ex altera
dominium rei legatae ipso iure post mortem
Testatoris transfertur in legatarium; ita lib.
in l. [illegible] C. de pigneraticia actione.
Secus vero [illegible]. quando aliquod ex legatis
fuit in specie [illegible] in genere vel quantitate
aliter dicendum est, quia tunc dominium non transit
ad legatarium ut supra dictum est. De qua
[illegible] tenetur heres consulendi sunt

D. D.

P. D.

Hic solum advertendum quod culpa quae vocatur
Civilis ad distinctionem culpae Theologicae
in qua habet locum peccatum consistit in omis-
sione diligentiae quam homines debent ad-
hibere in curandis alienis negotiis ad quae
aliquo modo tenentur scilicet vel ratione con-
tractus vel ratione officii vel ex obli-
gatione naturae per textum in l. x. tit. capitu-
lorum omnis obligatio. Dividitur autem
haec culpa Civilis in latam levem et levis-
simam. Quae supponit inscientiam et in-
advertentiam ad malum quod committitur pro-
ximo ex tali negligentia nam hoc
in jure vocatur [illegible] malus seu supponit
[illegible] omissio diligentiae. Id autem [illegible]
[illegible] in [illegible] [illegible] injuria et [illegible]
vendo alterius damnum [illegible] eventum habet
[illegible] et [illegible] [illegible] [illegible]
et negligentem in curandis alienis.
[illegible] Lata habet locum quando contractus
[illegible] [illegible] [illegible] [illegible] [illegible] deon-

tem.

tum; Leius Ado ē in gratia utrius;
ut S. orato &c. et Leuissima Ado ē
s gratia [illegible] accipiens ut ē comdoati.
7 [illegible] tn locus habent [illegible] pro foro ex:
terno et pro (uius [illegible] S foro interno con:
secratez ē satis notabilis operis plurimo
et gratius D.D. et p consequens licere in:
[illegible] remines teneri ad [illegible]
[illegible] intercevat [illegible] Theologica, et [illegible]
gravis 2ae commemorad.

5.° [illegible] legans due res [illegible] habeant
inter se subordinationem ut [illegible] et [illegible]
serviente una [illegible] altera [illegible]
[illegible] se habet p modum principalis ut [illegible]
[illegible] et altera accessoria ut [illegible]
finis et instrumenta ad alterius [illegible]
principali [illegible] tenetur heres dare accessorium,
sed [illegible] accessorio tenetur ad principale.

6.° [illegible] legato [illegible]
[illegible] sit [illegible] diminuta [illegible]
post mortem testatoris [illegible]
et si ad unum tantum caput redigatur, ita
fit

nie et l. legato ubi l. reperi ff eodem.
Tandem ut noverint legari et res incorporales quae actiones sunt vel remittendo ipsi legatario id quod debet, vel cedendo actiones adversus alterum, ita h. hic et l. 2a § ceterum ff eod. tit. Hic advertendum quod si res [illegible] litigiosa ut teneatur heres eam evincere et tradere Legatario. At si causa cadat nihil tenetur heres ita l. [illegible] iuncta [illegible] nunc [illegible] heres [illegible] Religiosis

Sectio 3a

De modis quibus committitur Legatum et de personis capacibus Legati

1a hanc materiam dicendum est quod committitur Legatum [illegible] vel testatoris [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] evidenter constat

2o [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] necessitate

sitate at n. ob necessitatem ... ut erat senten-
tiae Baldus non censetur ingratus legatarius sed res
commenda est ab agere vel eius heres ... vandus
uti habet Tex. in et ... fideicommissa quae res
... venditum est et ideo post legatum opignorata
fuit a testatore ita in ... et ... de sa-
crosanctis Ecclesiis ...

3.° Revocantur Legata dupliciter 1.° tacite scilicet
vel diverso testamento ac et ex codicillo imo
et sine ulla scriptura sed solum coram duobus
testibus uti tenet Portius et alii communiter

Revocatio et tacite 1.° ideo testator idem legatum al-
teri donavit et donationem invalida ita ...
idem legatum ff eodem et ... legatum sub condi-
tione ... ff eodem. 2.° ... graves inimicitiae
supervenientes et hoc est praesumpta voluntate
testatoris si tamen postea ante mortem redierint
amicitiam confirmatur legatum ita ... 3.a ... in
l. sequenti. 3.° ff. donationem causa mortis
... ... legatum
post mortem testatoris ... eius uxorem
... est ... legatum ... ...
...

[catchword:] ...

Sectio 4.ª

De illis qui possunt legare et de illis qui sunt capaces legati

Quoad p.ᵐ certum ē qd possunt condere legata omnes illi, quibus concessum ē et condere testam.ᵗᵘᵐ

Qd attinet ad 2.ᵐ incapaces sunt legati filij nati ex coitu damnato d. l. l. qui et incapaces sunt donationis inter vivos, ita ut neis aliqd directe relinquatr applicetr à l. heredib. ab intestato. Pro vero hoc pt intercessione longum in prudens l. applicatr pctis 2.ᵈᵘᵒ D.D. Coster. Hinc tn pater, posse alimenta relinquere quamdiu indigent. Nec con: sunt aliunde... ponderatē l. S. ... ut habet S. tea ... haberet extra ... ... eum ... prius ... Non prohibet tn A... Pater. ... et ali... relinquere illis legatum ita ... ad ... D. C. Coster.

2.º Ad dus ... prohibet legatum factum mulieri ... ad 2.ᵃˢ Nuptias infra anno

annū lucus qd cōtinet ē à Jure can. c. cap. penultimo et fin. extra de 2.is nup. nis. Ubi advertendū qd omnes pene latæ à Jure civili contra mulieres transeuntes ad 2.as nuptias post annū luctus sublatæ sunt à Jure can. q.d censetur facta c. odiū mulier. ... que tendunt c. causas liberorum. ... omnia lucra ... habuerunt ex priori matrimonio ... ... hæ autē pene ... l. femine et c. Auten. ... ... de 2.is nuptiis.

... materiam aliquo ... ... sunt.

... error c. homine ... ... legata nec institutionē ... aut contractus ... ... et c. ... c. nomine ... de testam. ... ... de ... ... legatū ... causa falsa ... ...

4.° qd legatū ... sub conditionē ... ...

commi

conuit ipso iure tale tamen Legatum transmittitur
ad heredes si legatarius moriatur ante conditionis
eventum ut in l. unica § sin autem aliquid C. de
caducitate tollenda. Sed tamen non habet locum si Le-
gatum fuit absolutum uti infra dicetur.

5°. Et nihil refert an Legata sint ante heredis insti-
tutionem vel post ut in l. 3 conditionib. Modo
et de conditione et demonstratione. Potest tes-
tator ordinare ut Legatum debeatur et post mortem
heredis aut legatarii ita ut ab heredibus heredis pres-
tandum sit heredibus legatarii ut aperte docet
hic Imp. ov.

6.° Si Legatum relictum Virgini si non nubat quibuscunque
verbis aut conditionibus concipiatur debetur et si nubat
et non habet locum si Viduis sive relinquatur a Ma-
rito sive ab extraneo ita ut Authen. cui relic-
tum est ibi post pr. de Viduitate tollenda.
Quod iterum locum habet non solum de legatis sed et de
donatione causa mortis aut inter vivos imo
de institutione hereditatis quia dictae requirant
hanc conditionem turpem esse contra bonos publicos.

Sexto

Sectio 4.a
De Lege falcidia

Ad hoc instituta est haec lex, a quodam aliorio Tribuni Plebis ut haberent suum effectum voluntates Testatorum. Et a L. [illegible] magnum bonum civile, nec [illegible] starint ab hereditate ob multitudinem legatorum absorbentium totam hereditatem ideo ad. [illegible] heredes instituti ut ipsi possit detrahere de legatis quartam partem totius hereditatis [illegible] et ne Testatorem non possit disponere de legata nisi dodrantem idest novem [illegible] totius hereditatis ita in l. 1.a [illegible] ex d. [illegible] [illegible] non est tota hereditas sed [illegible] [illegible] distributa [illegible] legata [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] debet computari [illegible] sed adhuc [illegible] detrahere ex legatis ita in l. 1. [illegible] 4.o [illegible] nisi a Testatore [illegible] [illegible] cautio ut [illegible] [illegible] [illegible] 4.a ita l. [illegible] autem [illegible] ff. eodem. [illegible] [illegible] doctrina non [illegible] [illegible] intelligentia [illegible] [illegible] computanda [illegible], [illegible] [illegible]

ut heres accepit ex voluntate Testatoris ut d. Fa
l. 1. § qa c. a pt aliqua sunt observanda cop.
pt qd quantitas hereditatis a qua retrahen
tur [illegible] falcidia attendenda e tempore mortis
Testatoris non augmentum aut decrementum postea
[illegible] spectat ad heredem ut habet lex fin et d.
l. quantitate [illegible] [illegible] qt i [illegible]
[illegible] notabile ob qd heres nolit adire hereditatem
[illegible] ideo convenient legatarii ut heres possit
[illegible] de diminutione [illegible] ut e [illegible]
2.o [illegible] habet locum [illegible] [illegible] .
[illegible] [illegible] computari falcidia nisi Testator
aliter disponendo aut qd erat in [illegible]
[illegible] tempore mortis [illegible] d. [illegible] [illegible]
nulla tn [illegible] spectat ad legatarios qd
[illegible] [illegible] spolia . . .
3.o qd quantitas hereditatis desumenda e [illegible]
aere alieno y [illegible] [illegible] legatarii et [illegible]
ita d. [illegible] [illegible] [illegible] et heres ipse
[illegible] creditor [illegible] [illegible] ut d. [illegible] . Re-
quirit tn [illegible] [illegible] heres [illegible] [illegible]
[illegible] quartam, qd conficiat inventarium modo
supra

supra d. ne eo q. mult beneficium legis alio-
quin teneretur ad integra legata solvenda ut
notant DD. sup. l. in inponendo. Deinde debent
semper impense funeris certa item persone
patrimonij et consuetudine Regionis ita sup. [illegible]
§ sumptus funeris ff de sumptib. funeris
in expendio et huiusmodi expense precedunt
omne aliud debitum et dotis favoris l. [illegible]
isto hereditas non sufficit ad aliena solvenda
ut habet lex sup. l. penultima ff de religiosis sump-
tu funeris. Que quarta debet detrahi [illegible]
ticulariter ex omnibus legatis ad rata [illegible]
si i quantitate q. [illegible]
4ee [illegible] locum habent et in fideicomissis
particularib. q. ut dm e supra equiparant
legata in sup. l. ff de legatis [illegible]
Sunt tamen aliqui casus in quib. non habet [illegible]
[illegible] testator certiore [illegible]
facere [illegible] testator
eadem [illegible] testator [illegible] condi-
tionem ut [illegible] alienam legatum ita [illegible]
q. [illegible] legata sunt ad pias causas ut
Auten.

[illegible]

[illegible] et [illegible]

[illegible] vero heres integre solvit

[illegible] tamen [illegible]

[illegible] et [illegible] integre solvit, [illegible]

[illegible] et ideo penitentia ducens [illegible]

[illegible] non [illegible] a iudice [illegible] privilegium

[illegible] et minoribus [illegible]

[illegible] ignoravit. nec ignorantia [illegible]

ex duplici capite [illegible] ex ignorantia ejusdem iuris

et [illegible] a iure [illegible]

[illegible] si vero ignorantia orta est ex

[illegible] hereditatem sufficere ad omnia [illegible]

[illegible] ignorantia nullus est consensus.

[illegible] heres [illegible]

[illegible]

[illegible]

novo

[illegible] nostris [illegible] in [illegible] integre
[illegible] transcripta [illegible]
[illegible] in ceteris [illegible]
[illegible] pro [illegible] Stephano [illegible]
[illegible]

[illegible] capitulum XXI.

[illegible] vel de rebus [illegible]
[illegible] in duas partes [illegible]
[illegible] solutione [illegible]
[illegible] excitant [illegible]
[illegible], vel in eodem [illegible]; ubi relicta [illegible]
[illegible] ut nec [illegible]. [illegible]
[illegible] animi quibuscumque [illegible]
[illegible] ut [illegible]
[illegible]
[illegible] ubi et commodo transferri [illegible]
[illegible]

Possunt transferri vel de eode servandis et tradi...
ut de de transferri hic ... ... transferri de persona de persona quibuscumque ... ... quae ... ... aut alio modo ... apparuit quod testator voluit ... et in alterum transferri aliter ... ... legatarius quod ... legare.

De lege falcidia tit. XXII.

... relinquunt ... transferunt minuunt ... ... est ... diminutione quae fit ... lege falcidia ... ...
... ... statuit
... ...
... et ... ...
... falcidia ... ...
... in ... partes ... ...
falcidie

alii de . in 2a. personis que possunt fallendi
Serunere . in 3a. modum . ad iterandi . ut .
pars expediat : quatuor sunt videnda sunt.
1m. quis est in [illegible] [illegible] , [illegible] [illegible] [illegible]
[illegible] cotestatis [illegible] et et [illegible] [illegible]
[illegible] legatis ita e. [illegible] erat ut [illegible] [illegible]
[illegible] [illegible] ita [illegible] , ut hic [illegible] [illegible].
2m. quis est [illegible] , [illegible] [illegible] lege [illegible] ,
[illegible] [illegible] testam. ita ut nemo vellet adire
hereditatem ita onustam legatis , et statuit , ne [illegible] [illegible]
mille [illegible] [illegible] [illegible] , ut [illegible] [illegible].
3m. [illegible] [illegible] [illegible] [illegible] [illegible] fuit , [illegible] [illegible]
[illegible] [illegible] [illegible] , [illegible] [illegible] testam. [illegible]
posset aliquis quid habere nisi mille [illegible] ,
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] , [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] genuerit.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Tous et [illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ita [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] patrimonium, [illegible] [illegible] [illegible]
[illegible]

in gratie

Quod si hic [illegible] numquam [illegible] Jesu Christi [illegible]
[illegible], [illegible]
que [illegible]
[illegible]
[illegible]
[illegible]
[illegible] quantitas.

Restat [illegible], qui [illegible] circa quantitatem [illegible]
[illegible] Jesu Christi [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] que [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible]
3.

[illegible] [illegible] [illegible] [illegible],
[illegible] [illegible] [illegible] communiter ac
[illegible] similiter. C. [illegible].

His omnibus Senatus, si bonis [illegible] 400
quae omnia legata sint [illegible] [illegible]
[illegible] ex [illegible] [illegible] [illegible]
[illegible] [illegible] legati [illegible] autem, ita ut ex
minori legato [illegible] quantitas [illegible],
si [illegible] [illegible] 230 [illegible] 8a, si legaverit
300 [illegible] [illegible], deinde [illegible]
[illegible] [illegible] [illegible] quantitate [illegible]:
[illegible] [illegible].

[illegible] ex [illegible] [illegible], [illegible] Senatus
[illegible] falcidia [illegible] a Senatu [illegible]
[illegible] [illegible] Senator C. [illegible] [illegible] legato
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
87. [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] falcidia.
40 [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

se [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

detinerant.

De [illegible] seu hereditatibus

et [illegible] [illegible] [illegible] [illegible] XX3.

S[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Q[illegible] [illegible]

[illegible]

[illegible] in [illegible] / primo in pa[illegible] [illegible]
est [illegible] [illegible] vel [illegible] nã
ex [illegible] [illegible] ex [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ut [illegible] melius.

[illegible] est [illegible] et [illegible]. [illegible]
[illegible] in [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible].

[illegible] est aliud [illegible] est ex [illegible] aliud ab [illegible],
[illegible] [illegible] [illegible], [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
ab [illegible] [illegible] vel [illegible], vel [illegible] [illegible]
[illegible] [illegible] [illegible].

[illegible] [illegible] ex [illegible] [illegible] [illegible]
[illegible] ex [illegible], [illegible] ex [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ex [illegible], quo
[illegible] [illegible] [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] in [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible],
[illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible] tanquam uno fideicommissario [illegible]
[illegible] in [illegible]
[illegible] fideicommissum [illegible]
[illegible] et in testamento et [illegible]
[illegible]
[illegible]

Quando vero fideicommissa [illegible]
[illegible] tempore Ciceronis, qui
[illegible] meminit lib. [illegible] ubi Publius [illegible]
[illegible] fideicommissum [illegible]
[illegible] fideicommissum [illegible]
[illegible] nemo [illegible]
[illegible]
[illegible]
[illegible] Ciceronis [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

fideicommisso et [illegible] hoc paulatim con-
versum est in [illegible], ut [illegible] hoc
ius [illegible]; et hic [illegible] fideicommissarius
[illegible] sciendum, quia hoc [illegible], et [illegible]
hoc est [illegible]

Item [illegible] hoc fideicommissum [illegible] ex testamento, seu testamentarium
[illegible] est [illegible] necessitate et valet, [illegible] testamento [illegible]
[illegible] heres institutus, qui fideicommisso oneratus est [illegible],
quia [illegible] est [illegible], et [illegible] testamento [illegible]
[illegible], vel [illegible] testamentarium fideicommissum,
[illegible] testamento [illegible] valet.

Notate hic, quod sicut heres directus potest institui ex [illegible] et
sub conditione, ita et fideicommissarius heres [illegible]
[illegible] hoc [illegible] directus, ut
[illegible] hereditate, [illegible]
hereditario, vel [illegible], et fideicommissario [illegible]
vel [illegible] hereditas, vel pars [illegible] heres directus
[illegible] heres institui [illegible], ut fideicommissarius
[illegible] videtur, [illegible] hered-
tate [illegible]; [illegible] ut ait
hi

hic Grad. primatus sunt hi fideicommissa, ut agerent, ut
[illegible] heredes, [illegible] ; sicut et illa conditio,
[illegible] liberis moriens.

§ 2. Tit: [illegible] continet fideicommiss. [illegible], [illegible]
[illegible], nil causam, et effectus

[illegible] tempore Neronis nihil [illegible]
fideicommiss., [illegible] literas [illegible]
[illegible] et [illegible], [illegible]
[illegible] consultum Senatus Trebellianum [illegible]
[illegible] Senatus Consultum, [illegible] Trebellianum [illegible], et [illegible]
et actiones tam [illegible], quam passivæ [illegible] fideicomm.
[illegible] etiam fideicommissario [illegible] [illegible]
[illegible] Neronis [illegible], et [illegible]
[illegible] transferri [illegible]
[illegible] [illegible]

§ [illegible] Senat. Consult: Trebell.

[illegible] Senatus consult. [illegible] Pegasianum [illegible]
[illegible] consult. factum est; [illegible] Senatus consultum [illegible]
[illegible], ut [illegible] [illegible] Senatus [illegible]
[illegible]

p.

P.m caput e, q.d heres divinus [illegible] esse
[illegible], [illegible] [illegible], [illegible] 8 [illegible] [illegible].
[illegible] [illegible] [illegible], [illegible] [illegible] [illegible]
P[illegible], [illegible] [illegible] ex [illegible] [illegible] [illegible].
[illegible] ex [illegible] [illegible] [illegible] d. Falcidia [illegible] [illegible]
[illegible], [illegible] [illegible] [illegible] eadem [illegible], unde [illegible]
[illegible] [illegible] l. Falcidia [illegible] [illegible] [illegible] [illegible]
d. Trebellianica, [illegible], q.d [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et, [illegible] conditionis in [illegible], [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] Falcid[illegible], [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible] [illegible] [illegible]
2.m [illegible] [illegible] Pegasianum, [illegible] heres [illegible]
[illegible] omnia [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible], [illegible]
[illegible] [illegible] esset [illegible] [illegible] [illegible] [illegible]
Quia erat [illegible] heres [illegible] divinus [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] legatarius [illegible]
qui

cui pars bonorum relicta erat, ut restitueret, heres [illegible] [illegible]

Titii hereditatem [illegible], Titius erat legatarius [illegible]

inter quos et heredem interponebantur stipulationes, partis pro

parte [illegible] [illegible] admittitur legatarius heres ei quem

exegerit a debitoribus, et solvendam [illegible] [illegible] legatarius et

legatarius committitur heredi, ut solvendam suam partem, ut

heres [illegible] in creditoribus hereditariis, si vero heres

[illegible] ex Senatusconsulto Trebelliano, seu totius suae, [illegible] restituebat,

interponebantur stipulationes emptae et venditae hereditatis,

[illegible] heres committitur emptori hereditatis, ut [illegible]

[illegible] quam a debitoribus hereditariis exegerit; ita [illegible] committitur

fideicommissario, et contra.

[illegible] quaeritur, [illegible] heres dicitur [illegible] adire hereditatem,

[illegible] ex Senatusconsulto Pegasiano et actiones [illegible]

actiones, quae competunt vel illis stipulationibus transferuntur in fideicommissarium, unde in hoc casu conveniuntur

[illegible] [illegible] [illegible] et hic est [illegible]

[illegible] [illegible] Senatusconsultum [illegible]:

[illegible]: hereditates restituuntur modo ex [illegible] Senatus

consulto, ut mox videmus, modo ex Trebelliano, et ex

Pegasiano

Pegasiano [illegible] ex Trebelliano, ut in Fideicommissi cederet heredi, ex Pegasiano non caederent et [illegible] adibat sponte magis non coactus aut servaret, nisi non teneret quartam, et interponebantur stipulationes, ut diximus in [illegible].

Quarta pars Tituli continet complementum Fidei commissarium, de quo [illegible] Iustinianus statuit igitur hoc modo, ut et hereditates restituantur tamen ex Trebelliano, [illegible] ex Pegasiano [illegible] ut tollit Pegasianum omnino, quoad stipulationes, quarum si quid habebat, [illegible] [illegible] nascitur in Trebelliano ut hic statim videbitur est. [illegible] quarta pars hereditatis debet manere penes heredem, nisi [illegible] [illegible] est, ut heres habeat quartam ex [illegible] [illegible] Testator [illegible] [illegible]

Si non habet quartam [illegible] testamentis [illegible]

[illegible]

[illegible] certa [illegible]

Et hic

et hic ant. ad nihil omnino heres diuino, dicitur [illegible]

[illegible] quarta per omnes actiones transeuntque [illegible]

[illegible] et [illegible] Senatus habet [illegible] here-

ditatis [illegible] actiones hinc inde [illegible] ratam

[illegible] quis [illegible] et [illegible] [illegible]

[illegible] hereditate [illegible] heres [illegible]

Senatus consulto Trebell. [illegible] totam hereditatem

et omnes actiones transeunt in fideicommissarium. si

[illegible] aliud [illegible] ex Trebell. [illegible]

[illegible] et Pegasianum, et hic cum omnia transeunt

in fideicommissarium [illegible]

Haec omnia dicta sunt de fideicommisso [illegible] solemni

[illegible] fideicommissarius

[illegible] fideicommissarius [illegible]

[illegible] cogendi heredem fideicommissum [illegible]

[illegible] et [illegible] scripturae [illegible] minus solemn. [illegible]

[illegible] et [illegible] nullus [illegible] fideicommissarius, [illegible]

[illegible] calumniae [illegible] iuramentum et

heres [illegible] iuramentum confirmat. et

multo magis imperiosus est spectare ad propriam negantibus

latius, vel contendat, velle spectandum esse [illegible] fuerit relictum

in minus [illegible] dispositione, ex sententia [illegible]

[illegible] extra, [illegible] fieri [illegible].

[illegible] ex imperfecto testamento ex minus solemni voluntate [illegible]

[illegible] [illegible] fideicommissum [illegible], [illegible]

ex imperfecto, [illegible] 3º [illegible]

[illegible] [illegible] defendendum est.

R. ex fundamento et ... fideicommissum, [illegible]

minus solemni voluntate relinquuntur. [illegible] est, [illegible]

minus solemni [illegible] testamenti [illegible] ea [illegible]

[illegible] confirmant, et tunc [illegible] est [illegible]

[illegible] [illegible] [illegible] extra [illegible] ex imperfecto

[illegible] est, [illegible] amplius est et [illegible]

minus solemni [illegible], et tunc [illegible] est

[illegible] [illegible] [illegible] [illegible]

[illegible] 3º est, [illegible] ex facto [illegible]

[illegible] [illegible] [illegible] testamento [illegible]

[illegible]

ihi Fideicomissi, vel ... noverint ea, quae desunt ... et quae ... providerunt et ... fideicommissi ... hic ... providerunt ... fideicommissarii ... ; ... fideicommissi ... legatarii, seu a fideicommissario ... fin.

De singulis Rebus per Fideicomissum relictis. Tit. XXIV.

Supra de Fideicommissis Universalibus, nunc de particularibus, quae fiunt, ... res aliqua, seu plures res particulares ... Tit. ... dividitur in 3 partes. In prima dicemus quae res possint fideicommitti; in 2a a quibus possint fideicommitti; in 3a quomodo.

Quoad an primo ... legatum et Fideicommissum ... omnes ... quaecumque res legari possunt, easdem posse fideicommitti. ... quae ... possunt fideicommitti ... res ... vel testatoris, vel heredis, vel legatarii ... vel alienae

extranei, quo cum illo, qui manumissus est, venit.
Et redimere eum potest aut alium extimatione [illegible] potest [illegible]
ij. Res incorporalis potest fideicommitti, ut libertas cum
servo, cujus, qui alienus, ut hic [illegible] libertas,
non hoc tamen discrimine, quod servo cujus, est
[illegible] libertas directa vel fideicommissaria
[illegible] servus. C. de test., ita quod directum servus [illegible]
cujus libertate immediate; indirecta libertas
omnis, qui [illegible] exercere, et in [illegible] fami-
lia numeratur, ut inquit Apuleius, ut directe
libertus sit illius, qui eum [illegible]. At
servo alieno non potest hoc modo libertas dari
directe, ut sibi suus dominus [illegible] acquir
[illegible] [illegible] fideicommissaria, [illegible] servus
[illegible] et manumittere [illegible] libertas.
[illegible] si dominus vendere nolit [illegible] non
potest cogi vendere, nisi aliquid [illegible] ex testo;
illius, qui fideicommittit, [illegible]
[illegible]

eadem est proportionis ex eod. §. liberas.
Ex hac Glossa colliges nihil illam, quod defert vel aufert,
quod enim est, nisi sint tales actus, qui habeant eam,
et habitant semper, ut hic dicit:
Cum 1° Fideicommiss. continet personas, quae possint gravari
fideicommisso et et potest gravari heres, ut hic ...
2° Legatarius potest gravari fideicommisso, et legat.
ut hic ... legat. vel legatum praestandum est ab herede ...
§ ... de legatis; Aurius ... et Bartolus ... autem
... ... ad ... ante exceptionem ...
... et fideicommissis, ita ut hodie et a legatario ...
... inter Pauli et Pii qui usserunt adhuc
... hanc differentiam inter legata, et fideicommissa, ut
male, nam ... ... omnino ...
et nullam ... differentiam.
3° Potest fideicommissarius gravari ... restituat ... alii
restitutam ... ut hic ... potest ... hoc ...
... gravatus ... gratis ... alius ... alium
... ... et ... ... quod ...

-bus onerari debet, quia donatarius in f. 2da. [illegible]

[illegible] ff de leg. 3tio.

Resp. Sex. cl. dispr. de Legatis c. [illegible], ubi vinea legata

fuit certa pensione, et fuerat coniuncta alij fundo

[illegible], qui plurie [illegible], quia acceperat omnia

et nihilominus venit hunc fundum, q. potest aliquis

tenetur gravari, quia donari.

R. in dicto [illegible], q. ipse Legatarius cognovit legatum

et omnia accepit, unde venit cogi maxime, ut

n. debeat imputari.

Resp. Sex. cl. [illegible]

fuerat electionis alternative [illegible]

electione [illegible]

ipse elegit [illegible]

[illegible] stare et si plures sint.

R. hic n. est [illegible] ex voluntate

testatoris, [illegible] debet [illegible]

[illegible], si [illegible] exigent.

[illegible]

Q. utr[um] in usurpata [illegible], et [illegible] [illegible]
unu[m] omnino extinguat [illegible].
R. n[on] ecce qui [illegible], q[uia] [illegible] abundant [illegible].

Q. [illegible] posit [illegible] [illegible] [illegible]
R. [illegible] l. ex [illegible] & [illegible], q[ui] ubi [illegible]
3.a [illegible] cum [illegible] [illegible], que [illegible]. [illegible]
[illegible] [illegible], [illegible] sunt hec [illegible], [illegible], [illegible],
[illegible], [illegible] [illegible], nec interest [illegible]. [illegible]
[illegible] [illegible] de voluntate testatoris.

De [illegible] Tit. XX.

[illegible] [illegible] [illegible] testatoris.
[illegible] [illegible] [illegible], [illegible]
[illegible] [illegible] [illegible] [illegible].
Qui sunt testatoris [illegible] testatoris voluntate [illegible]
[illegible] [illegible] [illegible], ita [illegible], q[ui]
[illegible] in Tit.
[illegible] [illegible] [illegible], [illegible], [illegible]
[illegible], [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible] eius, [illegible], [illegible]

[illegible] est, [illegible]

[illegible] a solo [illegible] et [illegible]

[illegible] et hic [illegible],

et [illegible] p [illegible].

[illegible] sapientes, +

[illegible], an [illegible]

[illegible], et [illegible] tab.

[illegible] authoritas testam[enti] contra

[illegible] est [illegible], [illegible] eos [illegible]

et [illegible], maxime [illegible] eo, [illegible]

[illegible] utili, [illegible] morientis [illegible],

ubi facile [illegible] testes, qui [illegible]

[illegible]

[illegible] habent testam[enti] factionem activam, [illegible]

codicillum [illegible] confirmantis [illegible].

Post Sententiam vero etiam, [illegible] fuisse Concilios
pene [illegible] omnis dubitationis sublatus est, [illegible]
[illegible]

2. [illegible] [illegible] conveniunt species, vel sunt [illegible], vel [illegible]
aliqui sunt [illegible] aliqui ab [illegible]
Concilia ea [illegible] vel fuerint ante [illegible], vel post:
facta ante [illegible] ex Pontificum Sententia [illegible]
[illegible] in [illegible] [illegible]
et sine hoc speciali confirmatione, [illegible]
[illegible] 3.
[illegible] et [illegible] tabulam [illegible]
De Conciliis factis post [illegible] hic [illegible],
quae valuerint.
Concilia ea [illegible] [illegible], vel alij sunt
[illegible] confirmata alij non confirmata, ut hic [illegible].
Confirmata autem Concilia, [illegible]
[illegible]
[illegible]
[illegible] ut hic [illegible]
[illegible]

cillis confirmatis testam. valeo nam quis testam.
... quidem 14 ff. hoc tit. et qua ...
... codicillis testam. non confirmatis non valet tum
... non pot relinqui in his nisi fideicommissa.
et hic Glossa.

Codicilli ab intestato licet non meminerit testam. ut ...
valent, et minus his relinqui ... non tamen,
et hic ...

3.a ... continet ...
... et ... codicillis ...
legari, et fideicommitti, ut non ... heredem
et ... codicillis, et ... codicillos
et testam. ... eandem ...
et ... codicillis ...
facti in testam. ... codicillis,
... hoc ...
Limitatio, ... libertas ... relinqui
codicillis.

Opp.

Opp. sect. in ann. 1647 [illegible] contr. [illegible]
[illegible] dixit quod [illegible] feudo, [illegible]
et [illegible] et ejus [illegible]
[illegible]

[illegible] summam [illegible] facere [illegible]
[illegible] in feudo [illegible].

[illegible] in feudis [illegible]
in l. fin. [illegible] de testam. [illegible] non valebit [illegible]
[illegible] testes, in [illegible] feud. [illegible]
[illegible] est [illegible]
[illegible] testes.

[illegible] in feudis [illegible]
[illegible] testes [illegible]
[illegible] testes [illegible]
[illegible] testam. [illegible] testam. [illegible]
[illegible]

[illegible] feudo. [illegible]
[illegible] et omnes [illegible] inter se, [illegible]
[illegible]

Institutionum Imperialium
Libri Secundi
Finis

[illegible]

[illegible]

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[illegible]

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[illegible]

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[illegible]
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[illegible] [illegible]
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[illegible] facile [illegible]
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[illegible] est [illegible]
[illegible]
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... ordinatur.

... succedenti ordo e Descendenti ...

... Damnat. Verus ...

... ex Damnato ...

[illegible]
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[illegible] expressions [illegible]

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[illegible]

[illegible]

[illegible] mées [illegible]

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[illegible] mées [illegible]

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[illegible]

[illegible] et [illegible]

[illegible] et [illegible]

[illegible]

[illegible] matière [illegible]

[illegible]

[illegible]
[illegible]
[illegible] adulterio [illegible]
[illegible] ex [illegible]
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[illegible] habes [illegible]
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[illegible] et [illegible]
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5° [illegible]
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6° [illegible]
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[illegible]

[illegible] [illegible] [illegible] ab [illegible] [illegible] et [illegible]
[illegible] et [illegible] [illegible] [illegible] et [illegible]
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[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] sunt [illegible]
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[illegible] [illegible] [illegible] [illegible]
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[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

-care vel eius [illegible] [illegible]. [illegible] [illegible] [illegible].
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible]
[illegible] auth. de consan. et [illegible] [illegible] auth. post
[illegible] et auth. [illegible] [illegible] vel [illegible] [illegible].
[illegible] ex [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] auth. [illegible] [illegible] [illegible]
[illegible] auth. vel [illegible]. [illegible] [illegible] [illegible]
[illegible]
[illegible] [illegible] S. Dominic [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] Dominicus [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] vel [illegible] [illegible]
[illegible] [illegible] [illegible] libere [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible].
[illegible]

[illegible] Xanthes [illegible]

[illegible]

[illegible]

[illegible]

[illegible] ab alijs Assidentes [illegible]

[illegible] et [illegible]

ad extra [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] et sunt aucem [illegible] et [illegible]

[illegible] sunt [illegible]

[illegible]

3.º [illegible]

[illegible]

[illegible] § [illegible]

[illegible]
[illegible]
[illegible] rotant D.D. [illegible] ex complexu [illegible]
[illegible]
[illegible]
[illegible] alij [illegible]
[illegible]
[illegible] omnes [illegible]
[illegible] succedunt [illegible] Auth. de [illegible]
[illegible] Auth. [illegible] Auth. [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] 31 [illegible]
[illegible]
[illegible] Bellarmin. [illegible]
[illegible]

[illegible]

[illegible] et ex vacua [illegible]

[illegible] mig [illegible]

[illegible] Jesu.

VI

[illegible] ab [illegible]

[illegible] et ex veri conuit [illegible]

[illegible]

[illegible] esse et [illegible] et [illegible]

[illegible] omnes ab uno [illegible]

[illegible]

[illegible] nos [illegible] natura constituit et [illegible]

[illegible] omnes ab Adamo processimus.

[illegible] et [illegible]

[illegible] nos [illegible] et hoc 2° modo accipitur [illegible]

[illegible]

[illegible]

[illegible]

[illegible] sexus [illegible]

[illegible]

[illegible] et [illegible]

[illegible]

[illegible] et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

quedā [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et locoꝝ [illegible] nos [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] sunt [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]

[illegible]

[illegible]

[illegible] . 2° [illegible]

[illegible]

[illegible] [illegible] ... Li [illegible]
[illegible] [illegible] ... kimo [illegible]
[illegible] [illegible] ... filimus [illegible]
[illegible] [illegible] ... [illegible]
[illegible]
[illegible] ... [illegible]
[illegible] ... hi [illegible]
[illegible] ... ex [illegible]
[illegible] ... ex [illegible]
[illegible] ... [illegible]
[illegible] 2º [illegible]
[illegible]
[illegible] 3º [illegible]
[illegible]
[illegible] 4º [illegible]
[illegible]
[illegible]
[illegible] 5º [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] ... et ... [illegible] ...

[illegible] et ... [illegible] ... [illegible]

[illegible] ... et ... [illegible] ...

[illegible] ... et ... [illegible] ...

[illegible] ...

[illegible] ... et ... [illegible] ... et ... [illegible]

48 eadem.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ... et ... [illegible]

[illegible]

[illegible]

[illegible]

De ... Creatione
De Sacramentis ...
De ...
... VII. VIII. IX.

[illegible]

[illegible] Defuncti.

[illegible] nominemus et [illegible]

[illegible] et [illegible]

[illegible]

[illegible] ut [illegible] ingenuus [illegible]

[illegible] et § [illegible]

[illegible]

[illegible] los [illegible]

[illegible] Relaxamus [illegible]

[illegible] libri [illegible]

[illegible]

[illegible] dies [illegible]

[illegible] § [illegible] dies

[illegible]

[illegible]

[illegible] et [illegible]

[illegible] et [illegible]

[illegible]

Tit. ✕

[illegible]

et in bonorum [illegible] [illegible] et [illegible] bonorum
[illegible] continuationem [illegible] [illegible] personas [illegible]
acquirit [illegible] : et [illegible] [illegible] [illegible]
[illegible] [illegible] incertam [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] bonorum [illegible]
[illegible] [illegible] bonorum [illegible] [illegible] concurrit
[illegible] talis [illegible] bonorum [illegible] ut multis alijs [illegible]
[illegible] [illegible] admitti in bonorum possessionem [illegible]
alijs.
[illegible] [illegible] bonorum [illegible] [illegible] possessionem [illegible] [illegible]
[illegible] [illegible] [illegible] universa: ut bonorum [illegible] (3.ª § [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] introducta sunt [illegible] [illegible]
[illegible] [illegible] [illegible] § [illegible] [illegible] effectu [illegible] [illegible]
ac bonorum [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] maxime [illegible] [illegible] inter bonorum
[illegible] et possessione bonorum.
[illegible] [illegible] [illegible] [illegible] beneficium temporis [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

tit: de acquir. rer. domin: [illegible]

Bonor. possessio similis e civilis et pretoria [illegible]

[illegible] civilis e illa q competit ex [illegible] [illegible]. Pretoria

vero q a [illegible] pretore [illegible] [illegible] q [illegible] olim cum

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] in g [illegible].

Titulus iste facilioris doctrine gratia in 3 partes distribui [illegible].

in 1a [illegible] causa [illegible] [illegible] fuit introducta bo=

nor. possessio. in 2a [illegible] [illegible] [illegible] [illegible]. in 3a habi=

[illegible] [illegible] [illegible] [illegible] [illegible] ad agnoscendam bonor.

possessionem.

Quod 1a partem [illegible] ex causa bonor. possessio [illegible]

introducta fuit, [illegible] [illegible], [illegible] et [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] bonor.

possessionem vel [illegible] juris constitutio [illegible] [illegible] [illegible]

[illegible]: bonor. possessiones qui [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] bonor. possessio [illegible] [illegible]

[illegible]

Quo ad 2^m nihil potest [illegible] cum [illegible] bonorum [illegible]
[illegible] tamen [illegible] quod [illegible] ita [illegible]
[illegible] ex testamento [illegible] ab intestato [illegible]. P^a [illegible]
bonorum possessio [illegible] contra tabulas [illegible] autem hic
significat [illegible]
[illegible] sub exhib: [illegible] autem hec bonorum possessio [illegible]
[illegible]: [illegible] et [illegible] [illegible] vel [illegible]
[illegible] [illegible] [illegible] vel [illegible] et [illegible]
contra [illegible] ad [illegible] hereditatem ab [illegible]
admittantur [illegible] et [illegible]. [illegible] bonorum [illegible]
contra [illegible]. [illegible] et [illegible] bonorum possessio [illegible]
testamentum [illegible]
[illegible]; [illegible] hanc bonorum possessionem ab intestato [illegible]
[illegible] ex testamento [illegible]
testamentum [illegible] contra testamentum [illegible] ex testamento [illegible]
[illegible].
Respondetur [illegible] ex testamento [illegible] ut [illegible]
[illegible] et [illegible] testamentum [illegible]
ut [illegible] et [illegible]
[illegible]

aute ex toto [illegible] bonorum [illegible] et

[illegible]

[illegible] ei [illegible]

[illegible] huius [illegible]

[illegible]

[illegible] bonorum

[illegible] bonorum [illegible]

[illegible]

[illegible]

bonorum [illegible] ab intestato [illegible] unde [illegible]

[illegible]

[illegible] emancipatis [illegible]

in estate [illegible] toto tit.

[illegible] unde [illegible] emancipati [illegible]

emancipati [illegible]

[illegible]

[illegible]

[illegible]

bonorum [illegible]

[illegible]
[illegible] et B[illegible]
[illegible]
4.° [illegible]
[illegible]
[illegible]
5.° [illegible]
[illegible]
[illegible]
[illegible]
6.° [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] [illegible] cum [illegible] 3 alios [illegible]
[illegible] bonorum [illegible]
[illegible] ad 3m Tituli [illegible] in cognoscendo bonorum [illegible] libris
et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] libris et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] bona [illegible] in [illegible]
[illegible] [illegible] eis [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ut
et [illegible] [illegible] [illegible] [illegible] § [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] § [illegible] [illegible] [illegible] bonorum [illegible]
[illegible] [illegible] [illegible] [illegible]
bonorum [illegible] [illegible] [illegible] [illegible]
[illegible] ad [illegible] [illegible] [illegible] § [illegible] [illegible]
[illegible] [illegible] [illegible] § [illegible]

[illegible] medi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]
[illegible]
[illegible] exierint [illegible] et [illegible]
vos [illegible]
[illegible]
[illegible] ad [illegible] vos [illegible] omnia [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible]

[illegible] cui [illegible]

[illegible] co mi [illegible]

[illegible]

[illegible] XII [illegible] XIII

[illegible] et [illegible]

[illegible] ac [illegible]

[illegible]

[illegible] et [illegible]

[illegible]

[illegible] et [illegible]

[illegible] quo pacto [illegible] et [illegible]

[illegible] comunis [illegible]

[illegible] convenit et [illegible]

[illegible] hoc [illegible]

[illegible]

[illegible] et [illegible]

§ [illegible]

2 [illegible]

[illegible] et [illegible]

[illegible]

[illegible] modus [illegible] [illegible] mag. [illegible]
ab [illegible] [illegible] et [illegible]. [illegible]
[illegible] modo [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible]
[illegible] ei [illegible] ut, et habet [illegible]
[illegible] [illegible]

[illegible] nomines

[illegible] XIV

[illegible] [illegible] [illegible] aucud [illegible]
[illegible] [illegible] continuatio, [illegible]
[illegible] [illegible]

[illegible] [illegible] nos [illegible] [illegible]
[illegible] [illegible] continuationi [illegible] et
[illegible] hoc [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible]
[illegible] et [illegible] [illegible]
[illegible] [illegible] et [illegible]
[illegible].

[illegible] mox [illegible] eius [illegible] et [illegible] actioni contrariae

in 2° casu [illegible] [illegible] autem [illegible] his verbis. [illegible] e [illegible]

[illegible] [illegible] [illegible] [illegible] alicuius [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

quemadmodum bonus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] ut [illegible] obligatio [illegible] [illegible] [illegible]

[illegible] [illegible] eius [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] obligationum [illegible]

[illegible] [illegible] actionibus et [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] de act: et obl. [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] ... omnes ... [illegible]

... consequente ... in ... [illegible] ... secundo ... [illegible]

... satisfactione ... [illegible]

... [illegible] ... 4a ... [illegible]

... [illegible] ... conclusione ... [illegible]

... [illegible]

... [illegible] ... oppositiones ... ultima ... [illegible]

... [illegible] ... ut ... [illegible]

... quo ... distinguo ... [illegible]

... [illegible] ... et ... [illegible]

... [illegible] ... et ... ex ... [illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] . [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible].

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[illegible] [illegible] [illegible] [illegible] § [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ; [illegible] [illegible] [illegible] [illegible] continet [illegible]
[illegible] [illegible] . [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] contentt [illegible]
[illegible] [illegible] [illegible] condem[illegible] [illegible] ad [illegible] ac [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
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[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ex [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
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[illegible] Universal.

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[illegible]

[illegible]

[illegible]

[illegible]

[illegible] contrading [illegible]

[illegible] achieved [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ullum [illegible]

[illegible]

[illegible] est. etc: [illegible]

[illegible]

Vinum [illegible] et [illegible]

[illegible]

[illegible] et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] conditiones [illegible]

[illegible]

[illegible]

[illegible]

[illegible] et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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[illegible] empt;
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible] Tractatus [illegible]
[illegible] et [illegible]
[illegible]
40 [illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] ludi [illegible]

[illegible]

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[illegible]

constenendo [illegible]

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[illegible]

12 [illegible]

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[illegible] vocant.

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[illegible]

pecunia numerata [illegible] et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] vel [illegible]

[illegible]

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[illegible]

[illegible]

[illegible] conti[illegible] [illegible]

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[illegible] et [illegible]
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et [illegible]
[illegible]
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[illegible]

[illegible] Contrario [illegible]

[illegible] Contrario [illegible] Communionis contra [illegible]

[illegible]

[illegible]

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[illegible] habet [illegible]
[illegible] casus [illegible] et [illegible]
[illegible]
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[illegible] et [illegible]
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[illegible] et [illegible] ex [illegible]
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[illegible] fuit.
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[illegible] 10 [illegible]

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nalis [illegible]

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Tit. XVII.

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2. [illegible]

Ecio de 100 [illegible]

[illegible]

[illegible] officii [illegible]ficationis [illegible]

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[illegible]

X III

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[illegible]

[illegible]

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[illegible]

[illegible]

[illegible] non est [illegible]

[illegible] monachos [illegible] monasteriis [illegible]

[illegible]

De [illegible]

Ca. XIX.

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[illegible] ad aliud [illegible]

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[illegible]

[illegible] abstruso [illegible] [illegible]

[illegible]

[illegible]

Cap. XX.

[illegible]

[illegible]

[illegible]

1° [illegible] et mala [illegible]

[illegible] dominio [illegible]

[illegible]

[illegible] rationē [illegible] imbecillitatē natura [illegible]

[illegible]

[illegible] aut dominio [illegible]

[illegible]

[illegible] ex tali fundo [illegible] simulatio [illegible]

[illegible]

2° [illegible] imbecillitatē [illegible]

[illegible]

[illegible]

[illegible] dominio [illegible]

[illegible] relationis [illegible]

[illegible]

[illegible] dominio [illegible] subjiciuntur [illegible]

[illegible] idem [illegible]

[illegible]

[illegible] exemplum [illegible]

Homo [illegible] potest acquirere [illegible] ex [illegible]

[illegible] acquisivit [illegible]

[illegible]

1° [illegible] non [illegible] et [illegible]

[illegible]

[illegible] relatio [illegible]

[illegible]

[illegible]

[illegible] alias [illegible]

[illegible]

2° [illegible]

[illegible]

[illegible]

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[illegible]

[illegible]

[illegible] pro [illegible]

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[illegible] et [illegible] a domino [illegible] [illegible]
[illegible] [illegible] domino [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] et [illegible]
[illegible] [illegible] et [illegible]
[illegible] [illegible]

5° [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible]
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[illegible] est [illegible] [illegible] et [illegible]
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et [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible]
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Q° [illegible] [illegible] est [illegible] est [illegible]
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[illegible] [illegible] [illegible]
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[illegible] [illegible] [illegible]

et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
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ē nova [illegible] [illegible] [illegible] [illegible] [illegible]
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[illegible] non [illegible] [illegible] est [illegible] [illegible]
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et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] quis [illegible]

[illegible] in [illegible] nil [illegible] Pa[illegible]

[illegible] apparent [illegible]

[illegible] nos [illegible] non [illegible] domino [illegible]

[illegible] hoc [illegible]

[illegible] alius [illegible]

3.° Secundum [illegible] et [illegible]

[illegible] hoc [illegible] Deus [illegible]

[illegible] Saul [illegible]

[illegible]

4.° Tertius [illegible] ex [illegible]

[illegible]

[illegible]

[illegible] ē [illegible] aut [illegible] [illegible] aut [illegible]
[illegible] cum [illegible] ē [illegible] [illegible] [illegible] [illegible]
[illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] alia ratio [illegible] aut [illegible]
[illegible] [illegible] [illegible] ē [illegible]
[illegible] [illegible] [illegible]
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[illegible] non [illegible]

XI. Utrum [illegible]

[illegible] aut [illegible]

[illegible]

[illegible]

[illegible] ut [illegible] et si [illegible] Bart. [illegible]

[illegible]

[illegible] sicut [illegible]

[illegible]

[illegible]

[illegible]

XII: Utrum [illegible] et si [illegible]

[illegible]

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[illegible] Justinianus [illegible]

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[illegible]

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[illegible] ex [illegible]

[illegible]

[illegible] contradictio[illegible] [illegible], [illegible] annis [illegible]. [illegible]
[illegible] [illegible] § [illegible]: [illegible] [illegible] ante [illegible]
[illegible] [illegible] eius [illegible]
[illegible] et notandum [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]
[illegible] anno [illegible] v.0. [illegible] [illegible] aliquid alius [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] § [illegible]
[illegible]
et [illegible]
[illegible]
[illegible] alium [illegible]
[illegible] est [illegible] [illegible] [illegible]

De [illegible]ribus

Tit. XXI.

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[illegible]
[illegible]

ea [illegible] aut [illegible] 3.° [illegible]
[illegible] 4.ª actiones [illegible] [illegible] condicionat
[illegible] [illegible] [illegible] et hanc materiam.

Quod [illegible] [illegible] [illegible] obligari [illegible] [illegible] promitt[illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] qui alienum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] obligare.

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] principali [illegible] obligare [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] obligans [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Quoties [illegible] [illegible] [illegible] [illegible] omni [illegible] [illegible]
[illegible] [illegible] [illegible] ex [illegible] [illegible] [illegible] [illegible] aut [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
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[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] obligari [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] 3. [illegible] sunt [illegible]. [illegible]
[illegible] et [illegible] in principali [illegible] et [illegible]
[illegible] varias [illegible]
[illegible] : omnis [illegible] actione [illegible]
[illegible] actioni et ad
[illegible] et [illegible].
2° [illegible] est [illegible] sunt [illegible]
[illegible]
[illegible]
[illegible] singulis [illegible]
et [illegible]
[illegible]
[illegible] principalis [illegible]
[illegible]
[illegible] contra. Ratio [illegible]
[illegible] principali [illegible]
[illegible]
[illegible]
[illegible]
[illegible] ex [illegible]
[illegible] minus [illegible]
[illegible]

[illegible] ... obligari [illegible] ...

[illegible] ... in ... [illegible] ...

[illegible] ... Deus [illegible] ...

[illegible] ...

2m [illegible] ...

[illegible] ... principale [illegible] ...

[illegible] ...

3m [illegible] ...

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... vinus ex illust.mo ... [illegible] ... à Barbarigo ...
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[illegible]
[illegible]
et ... [illegible]
actiones manuali contra ... ad ... [illegible]
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De Litterarum Obligationibus

XXII

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et ... [illegible]

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2° [illegible]
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3° [illegible]

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Ch. XXIII

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[illegible] Vitasorum et Rust[illegible]

[illegible] omnium sev ilarum, cum scilicet sunt [illegible]

[illegible]

[illegible] manifestatur [illegible]

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[illegible] non [illegible] omnia mera [illegible]

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[illegible]

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oratio [illegible]

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habiat ut [illegible]

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[illegible] oratio [illegible]

[illegible] habiat [illegible]

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XXVI

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[illegible] ubiq

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[illegible] consilio [illegible]

[illegible] Serenissimo [illegible]

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est [illegible]

[illegible] communicando [illegible]

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[illegible] Dominum [illegible]

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[illegible] et [illegible] mediatione,

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[illegible] et tamen [illegible]
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[illegible] conditio [illegible]
[illegible] societatem [illegible]
[illegible] conditione meliori [illegible]
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[illegible] conditio et [illegible]
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pactas [illegible] ad.
[illegible] societas [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] partes [illegible] tamen ante nulla [illegible] facta [illegible]
hoc casu [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]. Ratio est [illegible] [illegible] 3.°
[illegible] [illegible]. 3.° [illegible] societas [illegible] [illegible]
[illegible] [illegible] sicut inter [illegible], ita inter socios debet [illegible]
[illegible] [illegible]

3.° [illegible] societas [illegible]
[illegible] [illegible] socius [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] socii [illegible] [illegible]
[illegible] societas inter [illegible]
[illegible]
[illegible]

[illegible] socius [illegible] actionibus [illegible]

[illegible] societas [illegible]

[illegible] alterius [illegible]

[illegible]

[illegible]

[illegible] similiter [illegible] socius [illegible]

[illegible]

[illegible] actione [illegible]

[illegible]

2° [illegible] societas [illegible] ratione [illegible]

[illegible] personam [illegible]

[illegible] actione [illegible]

[illegible] societas [illegible] socius [illegible]

[illegible]

[illegible] societas [illegible]

3° [illegible] societas [illegible]

[illegible]

[illegible] universa [illegible]

[illegible]

[illegible] actione [illegible]

[illegible]

[illegible]

[illegible]

[illegible] XVI [illegible]

[illegible] cartes [illegible]

[illegible] quod fines [illegible] sunt [illegible]

[illegible] grecha[illegible] et alterius

[illegible]

[illegible] et ea [illegible]

[illegible]

ganiat p rei tacitis et [illegible] [illegible] et

[illegible] contractus. Dunis part. ad Sex. [illegible]

[illegible] et dur. dinguus esset ex dud [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ex Gymnasio [illegible]

[illegible]

[illegible] paes [illegible]

[illegible] [illegible] eod. [illegible] quod est [illegible]

[illegible] et [illegible] et est [illegible]

[illegible]

[illegible]

XXVIII

[illegible]

in reddendo et ministrando ~~[illegible]~~ bona dam [illegible]

[illegible]

2a. [illegible]

[illegible]

ministrationis [illegible]

[illegible]

[illegible]

[illegible] conscientiae [illegible] ex veritate [illegible]

[illegible] et unus ex [illegible]

[illegible]

Tit: XXIX

Tit: XXX

[illegible]

[illegible]
[illegible]
[illegible]
[illegible] ex [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Liber Quartus

[illegible]

[illegible]
[illegible] lib.
[illegible]
[illegible]
[illegible] Regina, Dam[illegible] [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible] exva [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] unus
[illegible] naturali [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] hoc [illegible]
[illegible] in monasterio [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] extarius [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Divino [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible] § 4. [illegible] fuit actio [illegible]

[illegible]

[illegible] actio ad [illegible], quia Dominus [illegible] contra [illegible]

[illegible]

qui vindicatio [illegible] Dominus [illegible]

[illegible]

[illegible] quia [illegible] Domino [illegible] contra [illegible]

[illegible]

[illegible] actionem [illegible] dominus [illegible]

[illegible]

actio [illegible]

[illegible]

[illegible] in [illegible] sacr[illegible]

[illegible]

C[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible] nobis [illegible]

[illegible] collatio [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] omnino [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] condidatē [illegible]

[illegible] 3° [illegible]

[illegible]

[illegible] Rég et Limonay [illegible] 53°

[illegible]

[illegible] nasohmus [illegible]

[illegible]

[illegible] manifestē [illegible]

[illegible]

[illegible] manifesti [illegible] [illegible] [illegible] [illegible]
[illegible] et hoc [illegible] [illegible]
[illegible]

[illegible] minus [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] in anima introducta est.

[illegible] alio [illegible] omnes [illegible]
[illegible] [illegible] 2° [illegible]
[illegible] et omnes [illegible] [illegible]
[illegible] communiter [illegible]
[illegible]

[illegible]

[illegible]

[illegible] [illegible] [illegible]
[illegible] ab [illegible] [illegible]
[illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible]
et [illegible] [illegible]

incidit ℞ [illegible] novo.

[illegible] sunt, hodie duo sunt unus, [illegible]

[illegible] animali. alij

[illegible], qualia sunt omnia [illegible]

[illegible] ℞ [illegible]

[illegible] 93°

Alcinus, [illegible] animalia [illegible]

[illegible] ad

[illegible]

[illegible]

[illegible], aut animal [illegible] annus [illegible]

[illegible] ℞ [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] dominium [illegible]

[illegible]

[illegible]

obtineri [illegible] missa [illegible] et [illegible] ex
[illegible] ex [illegible] rationi [illegible] ex [illegible]

ge. [illegible] actio [illegible] omo et [illegible] eius [illegible]
[illegible] est [illegible]
fuerit [illegible] eius [illegible]
[illegible] actione [illegible] et [illegible]
[illegible] actio [illegible]
[illegible] et [illegible]
[illegible] ex [illegible] inter [illegible] actione [illegible]

2. x [illegible] et
[illegible] actione [illegible]
[illegible] ratione [illegible] com [illegible]
[illegible] et [illegible]
[illegible]
[illegible] et et [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

procedit ꝓ impletur, ud ibi not: hoc tit: ° ꝗ.l. de tiuis ꝗ, ꝗ.° 4 eod.

item ex e .. delicto n̄ solido competit poster. actio civilis a..

omni de interesse seu et actio seu accusatio ... criminalis

ad publicam vindictam ꝓ..... hoc tit: ° et l... ..

Ex altero Capite l. Aquiliæ tenetur qui ... vulneravit seruum

aut animal d... ..... ꝓ ..... 3° hoc tit: ° ..... ꝓ 3°

eiusdem capite ... eod.

2° qui ... animal ... ut .... ut lana, ...

bestias et huiusmodi ... vulneravit ... l. si seruus ...

hoc caput ... ad omnes ... quæ animam ....

... ... vel ... ꝓ ... cæteris.

Hinc ... aliquid ... vel oleo aliquid miscuerit

... cuius bonitas commutatur ex hoc capite l. Aquiliæ

tenebitur ... ꝓ ... cæteris et l. si seruus ꝓ ... solum estimatur res

... ... 30 dies. ... ... ꝓ ... ...

l. si seruus ꝓ 3° capite ... ... seruus tempus

... ... 3° ... ... Gloss. ...

... ... 2° ... eod.

Tantum de damno ... ... actio ... ...

... ...

... ...

adeu.

addit similem alterum, utilis enim dicimus cum, qui id nocens [illegible]
alieno modo damnum intulit, ut si meis servus incluserit [illegible]
[illegible] in factum, quod damni causa fuit remota [illegible]
quis non occidit nocuisse minime videtur [illegible]
[illegible] dicitur libelli aliorum eiusmodi [illegible]
[illegible] in compendio. et de tali [illegible]
[illegible] actio in factum datur, [illegible] hac ratione subsidiaria
datur, [illegible] hoc [illegible]

De iniuriis Tit. 4.

Quartae [illegible] delictorum [illegible] iniuria [illegible]
Hic [illegible] Dividitur iste tit. [illegible] in 4 [illegible]
quibus modis [illegible] iniuria, et explicat [illegible] 2
[illegible] iniuria [illegible] 3
[illegible] in 4 quomodo [illegible] actio iniuriarum [illegible]
[illegible] 3 [illegible] 4 [illegible] actio.

Iniuria [illegible] ut docet [illegible]
[illegible] omnia [illegible] iniuria [illegible]
[illegible] 3 modis. [illegible]
1. pro iniustitia [illegible] iudex iniustam [illegible]
[illegible] iniuria [illegible] et iustitiae [illegible].
2. pro damno [illegible] iniusta [illegible] ratione [illegible]
3. pro contumelia [illegible] contumeliando dicta [illegible]

sibi ei, qui patitur, afferatur et suo dictis vel nutu acquiescit, et 3bus modis committitur sub Re, verbis et litteris.

Re cum quis alicui manum inferat, fustibus caedit, aut minatur se ei [illegible] bona quasi debitoris occupat, [illegible] nihil sibi debitum.

Verbis cum quis de aliis iniuriam verba iniuriosa profert.

Litteris, cum libellum aut carmen in infamiam alterius componit, de quo hoc tit.

Quoad 2dum iniuriam nos patimur non solum ex sua persona, sed et ex persona liberorum in potestate et uxoris, unde si filio, vel uxori fiat iniuria, pater et maritus actionem iniuriarum [illegible] non [illegible] iniuriam illatam marito, [illegible] vir ab uxoribus [illegible]. [illegible] nulla iniuria ibi [illegible], ut [illegible] habeantur [illegible] persona [illegible] iniuria [illegible] servus nimium [illegible] vel ad contumeliam [illegible] Domini [illegible] de aliis [illegible].

Quo ad 3um [illegible] iniuria duplicitur [illegible] et Criminaliter [illegible] Civiliter [illegible] iniuria [illegible] aestimatione [illegible] et iudex [illegible] condemnabit, aut minoris habita ratione qualitatis [illegible] et [illegible] est [illegible]

vel est conventionis, [illegible] circumstantijs vel dominio [illegible]
Dei [illegible] judicis [illegible] [illegible].

Animadvertendum autem est, quod [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible].

[illegible] [illegible] est, quod [illegible] [illegible] [illegible] [illegible]
[illegible] ratione facti, ut si quis [illegible] [illegible] [illegible]
[illegible] [illegible] ratione, ut si magistratui, [illegible], [illegible]
[illegible] injuriam infert: [illegible] ratione loci, ut si [illegible] [illegible]
[illegible]: [illegible] ratione temporis, ut si [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

[illegible] ad [illegible] injuriarum actio [illegible] dissimulatione [illegible] hoc [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible] [illegible] transactione
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] animo injuriandi. [illegible] [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] injuriam [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] contentionem [illegible]
[illegible] [illegible] et injuriarum [illegible].

De Obligationibus, quae ex quasi delicto nascuntur. Tit. [illegible]

Post obligationes ex contractu, quasi contractu, et delicto [illegible]
[illegible] restat [illegible] de Obligationibus, quae [illegible] [illegible]

clerant. Sic dixit quia [illegible] dolo, [illegible] in quo, sed [illegible]
[illegible] et iniustitia continuanz: [illegible] Alexandrum [illegible]
[illegible] Exemplum [illegible] et [illegible]
2a. [illegible] 3a. [illegible] exercitur et [illegible]
[illegible] mal[illegible] [illegible]
[illegible]

2m Exemplum est in Judic[illegible] [illegible] iniustitia [illegible]
[illegible] male [illegible] fuit [illegible]
[illegible] Judicis [illegible]
[illegible] habitu [illegible] hic [illegible]
Judex [illegible] hoc [illegible]
[illegible] est [illegible]
[illegible] et [illegible] Italia.
[illegible] judex [illegible]
[illegible] ex [illegible]
[illegible] et si causa est civilis [illegible]
[illegible] Si causa criminalis omnib[illegible] [illegible]
[illegible]
[illegible] Exemplum [illegible] ex [illegible]
[illegible]
[illegible]

... et maleficio ad [illegible] ... abit ... [illegible] ...

... modo [illegible] effectus est [illegible] [illegible] ...

libero et nomine damnum continuat [illegible] ...

[illegible] ... ut liber [illegible] incipiatur et [illegible] ...

[illegible] habet aut [illegible] et tunc arbitrio iudicis [illegible]

[illegible] et [illegible] omnes [illegible] in [illegible] factas et [illegible]

[illegible] carnes et [illegible] carissimus est et [illegible]

[illegible] ... lex [illegible] ...

O[illegible] ... habet aliquid [illegible] ...

[illegible] alicui [illegible] similiter [illegible] ...

[illegible] nullum tamen [illegible] et hoc [illegible]

publicae utilitatis, ut publice intersit [illegible] et [illegible]

[illegible] ... [illegible] ...

[illegible] ... [illegible] ...

[illegible] ... habitationem [illegible]

[illegible] lex [illegible].

[illegible] ... [illegible] ...

[illegible] ... hospitio [illegible] ...

[illegible] ... [illegible] ...

[illegible] ... [illegible] ...

[illegible] ... [illegible] ...

[illegible] exercitor [illegible] tit. [illegible]

[illegible]

[illegible]

[illegible]

De Actionibus Tit: VI

Titulus [illegible] non tantum [illegible] et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Hoc [illegible] [illegible]

vel [illegible]

vel [illegible]

[illegible]

[illegible] sumus in actione personali [illegible] causa remotae examini debet,

[illegible]

[illegible] ex [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

In actione [illegible] reali [illegible] esse [illegible]

[illegible] vel [illegible]

[illegible]

[illegible]

[illegible] ex

[illegible]

[illegible]

[illegible] [illegible] [illegible] mit [illegible] certo [illegible]

[illegible] necessaria est conclusio [illegible]

[illegible] est [illegible]

[illegible] nec [illegible]

[illegible] vel [illegible] [illegible]

[illegible] et [illegible] liberum.

[illegible] est [illegible] licet singulariter [illegible] [illegible]

[illegible] causa [illegible] necessarius non est, [illegible] causis [illegible]

[illegible] maxime [illegible] et [illegible]

[illegible] vel causa [illegible] maxime [illegible]

[illegible] [illegible] [illegible] sunt [illegible]

[illegible] [illegible] est [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] 2° [illegible]

[illegible]

[illegible]

[illegible]

2° [illegible]

[illegible]

[illegible]

[illegible]

Personam [illegible]

[illegible] concordationis [illegible]

[illegible]

[illegible] auctoritate [illegible]

[illegible]

[illegible] alios [illegible]

[illegible]

[illegible]

[illegible] perinde alia sint realiter sive [illegible]

[illegible]

[illegible] hoc [illegible]

[illegible]

[illegible] moriuntur ex [illegible]

[illegible] ex [illegible]

[illegible]

[illegible]

[illegible] alium [illegible]

[illegible]

[illegible] Nelione

[illegible]

[illegible]

[illegible] habere [illegible]

[illegible] habe [illegible]

[illegible]

[illegible]

[illegible]

[illegible] hoc [illegible]
[illegible] et communibus [illegible] actiones [illegible]
[illegible]

[illegible] actiones [illegible] in [illegible]
[illegible] actiones [illegible] personali [illegible]
[illegible] realis [illegible] Vbi [illegible]
actio [illegible] saltem actio [illegible] communi [illegible]
[illegible] continuare [illegible]
[illegible] actio realis [illegible]
[illegible] actio [illegible]
[illegible] actio [illegible]
[illegible] personalis [illegible]
[illegible]
[illegible]

[illegible] actiones [illegible]
[illegible]
[illegible] actiones [illegible]
[illegible] actiones [illegible]
[illegible]

[illegible]
[illegible]

[illegible] ... [illegible] ... [illegible]

[illegible] ... [illegible]. Hoc est [illegible] actio[illegible]

[illegible] ... [illegible]

[illegible] ... [illegible]

[illegible] ... et [illegible] ... actionis [illegible]

[illegible] et [illegible]

[illegible] ... actiones [illegible] ...

[illegible] ...

[illegible] ... ex [illegible]

[illegible] ...

[illegible] ...

[illegible] ... actione [illegible] maiore [illegible]

[illegible] ... maiora salaria [illegible] ...

[illegible] ... eius [illegible] ex hac [illegible]

[illegible] efficit. [illegible] ex [illegible]

actionis [illegible] ... actione [illegible] ex [illegible]

[illegible] ... [illegible]

Divisio est [illegible] actionis [illegible] ...

[illegible] ... et [illegible] ...

est. [illegible] ...

[illegible] ... omni [illegible] ...

[illegible] exultat [illegible]
[illegible] multa ex bono [illegible]
[illegible] actionis [illegible]
[illegible] operationes [illegible]
[illegible]

2.º Actionum [illegible]
[illegible] divina [illegible]
omnis actionis [illegible]
[illegible]

3.º Actionum aliae sunt [illegible] aliae [illegible]
[illegible]
[illegible] animal [illegible]
[illegible]
[illegible] animal [illegible]
[illegible]
[illegible] tamen [illegible]
[illegible] tamen [illegible]
[illegible] nomine [illegible]
[illegible] tamen [illegible] actio [illegible]

[illegible] exemplum habemus [illegible]
[illegible]
[illegible]

[illegible] ... in loco [illegible]
[illegible] in [illegible] actione [illegible]
[illegible] et [illegible] rationis ex [illegible]
[illegible] actio [illegible]
[illegible] et [illegible]
[illegible] commisit [illegible]
[illegible]
[illegible] et [illegible]
[illegible] debent [illegible] actione [illegible]
[illegible] et [illegible]
et [illegible]
[illegible] in multis [illegible]
[illegible]

[illegible] actiones directe [illegible]
[illegible] ex contractu [illegible]
[illegible] mandati [illegible]
[illegible]
[illegible] directe actiones [illegible]
[illegible] mandati [illegible] et [illegible] contrarie [illegible]
[illegible] actione [illegible]
[illegible] et [illegible]
[illegible]

[illegible] ipse [illegible]

[illegible] actio [illegible]

[illegible] actio dotis [illegible]

[illegible] contineat [illegible]

[illegible] actio [illegible]

[illegible] generales [illegible]

actio [illegible]

[illegible]

[illegible] singulares [illegible] singulares [illegible]

[illegible] vindicatio [illegible]

[illegible]

[illegible]

Tit. VII.

[illegible] de actionibus [illegible] contract [illegible]

[illegible] actionum [illegible] contract [illegible]

[illegible] nomine [illegible]

[illegible] actio [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

1° [illegible] ... [illegible]

[illegible] et demus [illegible] ... [illegible]

[illegible] ex [illegible] ... [illegible]

[illegible] Paris [illegible] ... [illegible]

[illegible] ... [illegible]

[illegible] ... [illegible]

[illegible] actione [illegible] ... [illegible]

[illegible] ... [illegible]

2° [illegible] quod est dominus [illegible] ... [illegible]

[illegible] ... [illegible]

obligationes [illegible] maxime [illegible] ... [illegible]

[illegible] actio contra dominum [illegible]

[illegible] ... [illegible]

[illegible] nam [illegible] ... et filios in

[illegible] ... [illegible] contra

in bonis [illegible] ... [illegible]

3° [illegible] ab alio [illegible] ... [illegible]

[illegible] ... [illegible]

[illegible] occasione [illegible]

[illegible] est dominus [illegible] ... [illegible]

[illegible] actione [illegible] ... [illegible]

[illegible]

trahit bonum [illegible] [illegible] eadem ratione [illegible]
[illegible] omnis [illegible] [illegible] [illegible], [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible] [illegible] [illegible] actio [illegible]
ab [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]. [illegible] potuit [illegible] [illegible] actione [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] actionis [illegible] intelligamus [illegible].
[illegible] [illegible] [illegible], [illegible] [illegible], [illegible] [illegible] in [illegible]
[illegible] negotiatione [illegible] bonum et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] actionem [illegible] [illegible] [illegible] et [illegible]
distribuendi [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] dominus et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] distributione mercedem [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] rationem [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] arbitrio [illegible] distribuendi [illegible] [illegible] [illegible]
[illegible] Dominus [illegible] distribuendi mercis [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] rationem [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

toris non modica est utilitas in bonis et [illegible] qui alioqui
in contractibus et bonis domini et filii [illegible] habent, ut si
[illegible] [illegible] [illegible], cuius existimatio [illegible] est [illegible]
illis [illegible] [illegible] solet [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] extranei creditoris, nulla [illegible]
[illegible] [illegible] [illegible] actionem vocant. [illegible] est [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] actionem, vel
actione [illegible] [illegible], vel actione [illegible] in [illegible], [illegible] [illegible]
in [illegible] [illegible] [illegible] [illegible] in aliud [illegible] [illegible] [illegible]
[illegible] Actio est [illegible] in [illegible] [illegible], [illegible] [illegible] vel [illegible] [illegible]
et [illegible] ex contractu acquisita in [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] actione [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] est, [illegible] [illegible]
[illegible] seu [illegible] [illegible] [illegible] [illegible] [illegible].
[illegible] est [illegible] [illegible] competentis contra patrem et dominum ex contractu
filii et servi [illegible] [illegible] [illegible], et [illegible] [illegible] [illegible] [illegible]
in solidum sed [illegible] [illegible] et [illegible] [illegible] in solidum, [illegible]
et [illegible] in [illegible] patri vel domino [illegible] [illegible] [illegible].
Admonendo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
habet [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible], [illegible]
[illegible] [illegible], vel [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] macedoniano [illegible] a [illegible]
[illegible] [illegible] in omne [illegible] [illegible] [illegible]
[illegible] [illegible] qui alieno nomine [illegible] in omne [illegible]
[illegible] et [illegible] intellebant [illegible] [illegible] qui [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] est [illegible] [illegible] hoc tit.
et [illegible] [illegible]

De Noxalibus Actionibus

Tit. VIII

[illegible] [illegible] de actione [illegible] ex contractu [illegible]
potestate [illegible] nunc [illegible] ex [illegible] [illegible]
[illegible] et [illegible] [illegible] de [illegible] [illegible]

[illegible] [illegible] est [illegible] [illegible] noxa [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] maleficium noxa [illegible] hoc tit. [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et similia [illegible]
[illegible] [illegible] [illegible] habet [illegible] persona [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] De [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] similiter [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] accusationis. [illegible] est ei, qui [illegible]

[illegible] [illegible] est [illegible]

[illegible] ex naturali ratione [illegible]

[illegible] et [illegible]

[illegible] [illegible] [illegible] scilicet.

[illegible] autem actio naturalis [illegible] [illegible]

[illegible] operatione [illegible], aut [illegible] [illegible]

[illegible] [illegible] in [illegible] [illegible] [illegible] executione sententiae [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible]

[illegible] [illegible] est [illegible] [illegible] illius [illegible]

[illegible] [illegible] [illegible]. [illegible] [illegible] hoc [illegible].

Conclusio [illegible] [illegible] actio naturalis [illegible]

[illegible] [illegible] ut [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible], [illegible] [illegible]

[illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]. [illegible] accusare [illegible] [illegible], [illegible]

[illegible]

[illegible] ut [illegible] [illegible] [illegible] [illegible] [illegible], aut [illegible]

[illegible] [illegible] [illegible] vel [illegible], vel [illegible] [illegible]

et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Dum n[on] habet, ille proprio no[min]e tenetur in solidum; emulti; et hic [illegible]
[illegible]

3°. ut ostendit, quod semus alteri tam[en] [illegible], n[on] [illegible]
pro nulla e[st] [illegible] et [illegible] [illegible] est, ut si [illegible]
[illegible] [illegible] [illegible] [illegible] nulla [illegible]
[illegible] [illegible] [illegible] [illegible]

Sciendum aut[em] est, q[uod] olim actio noxalis habebat [illegible]
[illegible] [illegible] masculus erat, [illegible] fœmina, ut [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], noxa aut[em] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] est [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] omnibus [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

... si res redeo, et de mixto inducentis &c.

Quadrupes ... ...

...

Sequitur ... de damno dato ab animali ratione ... dato ab animali irrationali, ... hoc ... madry ... ...

Vendig ... actio de pauperie locum habet ... in 2º ... actio ... 2º ...

Quo ... ... et Conclusio ... animal ... contra propriam conditionem commotum ... ... aut ... et alicui ... faciat ... actio ... ...

Pauperies autem ... damnum ... ... continet ... ...

... ... hoc ... ... actio ... ...

... ...

[illegible] ultima [illegible] Deo; [illegible] ... [illegible]
[illegible] communi div. [illegible]

[illegible] ad [illegible] edicto prohibent ne quis [illegible]
venad [illegible] loco retineat, [illegible]
[illegible] fiat et [illegible] alteri damnum dent. [illegible]
[illegible] damni [illegible] si non [illegible] occidant [illegible]
[illegible] si occidant [illegible] arbitrio [illegible]
[illegible] hoc [illegible] mortis, ut [illegible]

[illegible]

[illegible] is [illegible]nos [illegible]

[illegible]mmunis Tit. X

En [illegible] tit. [illegible] est de actionibus, nunc de his [illegible]
[illegible] et actiones [illegible] possumus [illegible]
[illegible] et [illegible] tit. [illegible] et [illegible]
Regula autem est [illegible] nulla [illegible] et [illegible]
[illegible] si [illegible] substantia [illegible]
[illegible] poenalis et [illegible]
[illegible] [illegible] lib. [illegible]
[illegible] [illegible] [illegible] est [illegible]
[illegible] singulariter [illegible] alterius [illegible]
[illegible] debebat [illegible]

fieri, ut cum de habere medicorum, non debeatur nam et mortis et etas, et necessarie peregrinatio, aliaeque urgentes causae, possunt impedimento, ne nisi per unum haberi valeant. Propterea ergo necesse est, ut aliud licitum et revelare auxilium, cum talis casus [illegible] [illegible] et quibuscumque verbis, et quocumque modo [illegible], ut de hoc [illegible]

Advertendum quod procuratores esse non possunt. 1º feminae, cum hoc sit virile officium. 2º milites tam armatae militiae quam caelestis, ne a militia [illegible], nec enim est [illegible] et [illegible] clericus, et monachus de licentia superioris procuratores esse possunt [illegible] et 2º ne [illegible] vel [illegible]. 3º qui Reipublicae curam aliquam habent, aut magistratum munus, cum publica utilitas [illegible] [illegible] hoc non permittit. 4º qui morbo laborant [illegible] possunt [illegible] et defensionem, [illegible] [illegible] minores minor 25 annis, quod [illegible] [illegible] [illegible] [illegible] [illegible] nec [illegible] [illegible] alio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de procurat.

De Satisdatione Titu XI.

Curiosum litigantes alieno nomine sine satisdatione [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] cautum

conveniunt 1°, qui satisf. con[illegible] satisfaciendo [illegible]
[illegible] [illegible] [illegible] [illegible] ut satisfatio. 2° qui
[illegible] fiat. 3° qui debeant satisfacere.

Quo ad primum satisfacere est satisfactionem et [illegible] [illegible] cau[illegible]
[illegible] nunc hoc [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] notis [illegible] [illegible] [illegible] 2° [illegible], [illegible]
[illegible] [illegible] [illegible] facta [illegible] [illegible]: 3° [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] admittit, [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ratione, [illegible]
[illegible] cautio talis [illegible] [illegible], qualis [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible] impossibile in [illegible] [illegible] (l. [illegible] impossibilium ff.
[illegible]. et [illegible] actoris hoc casu cautionem [illegible]
[illegible] et in causa principali [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] non [illegible]. [illegible] autem [illegible] [illegible] 2 sunt [illegible]

[illegible] est, ut [illegible] [illegible] se [illegible] [illegible] [illegible]
[illegible], [illegible] [illegible] adhibuerit diligentiam. 2° [illegible]
[illegible] in [illegible] omnia [illegible], de [illegible]. [illegible] [illegible],
[illegible] [illegible] [illegible] et [illegible] et [illegible] ff. eod.

Quo ad [illegible] [illegible] debent satisfacere et [illegible] [illegible]

Duos menses a tempore dati libelli, cum emiss. citationis, Arch. libellum. de lit. contestat. 2° et 3° litis, remanserunt usque ad finem litis. [illegible] hodie hoc iure. [illegible] expensas [illegible] [illegible], si contingat [illegible] [illegible], et si ex eius condemnari [illegible] [illegible] [illegible] Bartl. et [illegible] [illegible] Curiæ et [illegible] [illegible] satisdationem [illegible] [illegible], si [illegible] de mandato actoris, ut [illegible] mandatum procuratorium actis sit [illegible] vel dominus sit [illegible], cum [illegible] [illegible] intelligitur, alias si non [illegible] de mandato, [illegible] [illegible] satisdationem debet et satisdari [illegible] se [illegible] [illegible], [illegible] in hodie, [illegible] [illegible] [illegible], cum dominus [illegible] [illegible] [illegible]. [illegible] hoc iure

Reus vero [illegible] olim tenebatur cavere [illegible] [illegible], hoc est, [illegible] [illegible] [illegible] [illegible] [illegible] aut si [illegible] non [illegible] [illegible] [illegible] tionem [illegible] [illegible] [illegible] omissa huiusmodi satisdatione cautio tantum [illegible] [illegible] [illegible] [illegible] permanebit usque ad [illegible] [illegible] et [illegible] litis et maxime tempore [illegible] [illegible] [illegible] hodie [illegible] [illegible].

[illegible] . [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] satisdari [illegible] cautione [illegible] [illegible] [illegible] [illegible] satisdationem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

et [illegible]

aliqua alia, [illegible] exigi [illegible] debitam domus habitus pro ut [illegible] actoris [illegible] [illegible] ratificet [illegible] exigendum est [illegible]:

De [illegible] et temporalib. actionib. et quae ad heredes, et in heredes transeunt

Titi XII

Hactenus [illegible] de actionib. [illegible] quaedam [illegible] et [illegible] temporales. De quibus transeunt ad heredes [illegible] quibus non [illegible] de his tractatur [illegible] habet [illegible] ut [illegible] et [illegible] inscriptione [illegible] in 2[illegible] de illos quae transeunt [illegible] non transeunt in heredes, [illegible] non autem.

[illegible] Hoc [illegible] actiones omnes [illegible] [illegible] [illegible] personales [illegible] [illegible] [illegible] olim [illegible] absque ulla temporis [illegible] [illegible] [illegible] tempus [illegible] [illegible] actiones personales [illegible] 30. omnes [illegible] [illegible] [illegible] [illegible] [illegible] absentes [illegible] 20. inter praesentes [illegible] [illegible] [illegible] [illegible] temporis [illegible]

Item omnino ea unica possessionis edit [illegible], et bonae fidei,

ut vid. sup. de usucap.

Temporales actiones sunt regulariter [illegible] [illegible]

[illegible] praetoris, ita etiam aliae actiones [illegible] terminantur [illegible]

[illegible] ut [illegible] [illegible] sunt [illegible], [illegible] sint [illegible]

[illegible] tamen [illegible] sunt [illegible] [illegible] actionibus

Obliq.

[illegible] in actione furti, [illegible] licet qualis sit, et ex [illegible]

dictione descendat, nihilominus perpetua est ea ratione, quia

delictum furti [illegible] omittit, unde ista actio [illegible]

[illegible] delicti [illegible] perpetua [illegible] furt.

[illegible] [illegible] in nonnullis aliis actionibus quas [illegible]

[illegible] [illegible] quaerimus [illegible] actiones transeant in haeredes,

et quae non; [illegible] sunt [illegible], [illegible] in actionibus

descendentibus ex contractu, [illegible] in actionibus descendentibus ex delicto

regula est actiones ex contractu et in haeredes et in [illegible]

transeunt, hoc est [illegible], [illegible] et contra haeredes [illegible]

[illegible]; [illegible] [illegible] ex contractu dolum

[illegible] et nihil ex dolo [illegible] [illegible] [illegible], quia

tunc illi [illegible] [illegible], [illegible] [illegible] [illegible] [illegible]

plura

plus in actione [illegible] facti causa [illegible] [illegible] [illegible]
[illegible], [illegible] [illegible] dolose [illegible] depositum [illegible] actio [illegible]
in eum [illegible] [illegible], sed contra eius heredem, hec actio in [illegible]
[illegible] [illegible] [illegible] [illegible] depos.

2a. Regula: actiones quales ex maleficiis descendentes [illegible]
[illegible] heredes [illegible] [illegible] contra heredes [illegible] [illegible]
hoc [illegible] [illegible] ex delicto [illegible] : limitatur [illegible]
memorie in actione iniuriarum, [illegible] [illegible] [illegible] [illegible]
in vindictam. Quo vero ad 2am limitatur, ut [illegible] habeat [illegible]
[illegible] ex delicto defuncti aliquid ad heredes [illegible],
[illegible] conveniri possunt, [illegible] [illegible] est, ut [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible] [illegible]. [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] defuncto [illegible] contestata, [illegible] [illegible] contestatione
[illegible] [illegible] [illegible] [illegible] heredes [illegible] [illegible], et [illegible]
Amende [illegible] [illegible] [illegible] [illegible] [illegible], ut [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] satisfaciam absolvendus est [illegible] delicto [illegible]
[illegible] [illegible] [illegible] [illegible] omni [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible].

De Exceptionibus

Tit: XLIII

Post quam dic. de actionibus, quae sunt arma actoris, [illegible] de exceptionibus, quae arma reorum [illegible] et merito, [illegible] cum non esset [illegible] opprimenti [illegible] [illegible] litigantibus [illegible] [illegible] eis [illegible] [illegible] de exceptionibus.

Dividitur iste titulus in tres partes. [illegible] [illegible] [illegible] in 2a [illegible] exempla [illegible] in 3a [illegible] [illegible] exceptio [illegible] in 4a [illegible] [illegible]

Ideo [illegible] exceptiones introductae et comparatae sunt [illegible] [illegible] [illegible] [illegible] ipse [illegible] [illegible] [illegible] Obligari sunt [illegible] aequitatis [illegible] defendere [illegible]

Dicta est autem exceptio [illegible] exclusio [illegible] [illegible] [illegible] excluditur [illegible] [illegible] [illegible] exceptio [illegible] [illegible] defensio [illegible] [illegible] [illegible] [illegible] [illegible] actoris, ita Vinn: hic sub n. 2. [illegible] [illegible] [illegible]

[illegible]

et creditur [illegible] commentarium [illegible]

[illegible] examinatus est [illegible]

[illegible] generali [illegible]

[illegible] qui minime et [illegible]

[illegible] examinatum et [illegible]

[illegible] commissit [illegible]

[illegible]

6

[illegible]
[illegible] non [illegible]
[illegible]
[illegible] audit [illegible]
[illegible]
[illegible] ex [illegible]
[illegible]
[illegible]
[illegible]
[illegible] ex [illegible]
[illegible]
[illegible] actionem [illegible]
[illegible] ex q-
[illegible] sit [illegible]
[illegible] et [illegible]
[illegible]
[illegible] actionis [illegible]
[illegible] in
[illegible] non est motus [illegible]
[illegible]
[illegible]

[illegible]

exceptione ex [illegible] est, et causa [illegible]
[illegible]
[illegible] Exemplum exceptionis est [illegible]
[illegible] adversarii [illegible]
[illegible] est [illegible]
absolutus est [illegible]
[illegible] obligati actioni [illegible]
[illegible] naturali [illegible] obligati [illegible]
[illegible] ut efficax [illegible] actionem [illegible] est
ad id [illegible] condemnandum, et [illegible]
[illegible] ut exceptio [illegible] habet [illegible]
[illegible] eadem [illegible]
[illegible] causa [illegible]
[illegible] est [illegible] ut ex eadem [illegible]
[illegible] est [illegible]
[illegible]
[illegible] exceptionem [illegible]
[illegible] in [illegible] multis [illegible]
et [illegible]
[illegible] exceptiones [illegible]
[illegible] similes sunt [illegible]
[illegible] ex [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] sunt exceptiones Velleiani

et Macedoniani [illegible] [illegible] [illegible] talis est [illegible]

[illegible] [illegible] [illegible] fideiussores et [illegible] [illegible] liberi [illegible]

Exceptiones sunt [illegible] [illegible] [illegible] et [illegible] sunt omnes

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] exceptione [illegible] [illegible] [illegible] [illegible] [illegible] est

[illegible] [illegible] contractu [illegible] [illegible] [illegible] [illegible] [illegible]

2a. Exceptionum [illegible] [illegible] [illegible] alia sunt [illegible] et [illegible]

alia [illegible] et [illegible]

Dilatoriae exceptiones dicuntur quae semper [illegible] habeant [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] intelliguntur [illegible] [illegible]

sententia [illegible] [illegible] sententia [illegible] [illegible] solent.

Peremptoriae [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] actor

[illegible] [illegible] [illegible] sunt [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] facto [illegible] [illegible] [illegible]

Temporales exceptiones dicuntur [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] ante [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] inferant actionem [illegible] [illegible] [illegible]

[illegible] [illegible] est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] quinquennium [illegible] aetatis [illegible] actor ante

quinquennium aetatis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] extremus [illegible] concedit [illegible] hoc [illegible]

[illegible] autem est [illegible] excitationes [illegible] [illegible] ex [illegible] natura [illegible] rationem necessariam [illegible]

[illegible] et [illegible] [illegible]

[illegible] ratione [illegible] excitationes [illegible] [illegible] et minori contra [illegible] aliis [illegible] ut [illegible] et [illegible] et [illegible] infamis [illegible] quod et [illegible] infamia [illegible] in usu [illegible].

[illegible] committunt [illegible] committentes [illegible] [illegible] et in [illegible] est [illegible] [illegible] [illegible] alios [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] omnes excitationes [illegible] necessari[illegible]

[illegible] omissa fuerit [illegible] actio valet et reus condemnandus est [illegible] replicatione [illegible]

De Replicationibus

Titulus XIIII.

[illegible] exceptionum [illegible] replicationes [illegible] et duplicationes, triplicationes, quadruplicationes [illegible] quos inter actorem et reum [illegible] exceptiones [illegible]

[illegible] est exceptio [illegible] except [illegible] exceptio [illegible] exceptionis [illegible] replicationem [illegible] et [illegible] exceptionis exceptionem dicit exceptione.

2a [illegible] contra [illegible] contra [illegible] contra [illegible] multiplicari [illegible]

[illegible]

Res alienat et actor [illegible] ut alienat, [illegible]
[illegible] ad [illegible] excedit.

Numerantur exceptiones, quae [illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] exceptionum divisio [illegible]
[illegible] exceptiones [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et est exceptio [illegible]
[illegible]

De interdictis tit. XV.

Quoniam interdicta obtinent vicem actionum, ideo [illegible]
[illegible] et exceptiones [illegible]

De interdictis [illegible]

Interdicta dividuntur in 4or partes; in 1a [illegible]

[illegible] tres [illegible] 2ª ib. [illegible]
3ª ib. [illegible] 4ª [illegible] 3ª divisio
[illegible] ... in [illegible] ...
[illegible]
[illegible] nullus habet [illegible] eterni [illegible]
[illegible] olim [illegible] possessione
[illegible] eius [illegible]
[illegible] actiones [illegible]
[illegible]
[illegible]
[illegible] aliquo [illegible]
[illegible]
[illegible]
[illegible] animadvertendum est [illegible]
[illegible] momentanea est [illegible]
[illegible]
[illegible]
[illegible]

[illegible] 2º [illegible] intentionem [illegible] est, alie sunt [illegible] [illegible], alie [illegible] [illegible] [illegible], [illegible] sunt [illegible] [illegible] [illegible] [illegible] facti [illegible] [illegible] [illegible] et [illegible] [illegible].

[illegible] est intentionem 1º ne [illegible] [illegible] ei, [illegible] [illegible] 2º [illegible] motivo [illegible], ne [illegible] [illegible] [illegible] [illegible] motivum [illegible] [illegible], [illegible], 3º ne [illegible] [illegible] 4º ne [illegible] [illegible] [illegible] [illegible] [illegible] facto [illegible] [illegible] [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] omnino [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] omni [illegible] [illegible] a soli [illegible] [illegible] [illegible] [illegible] exemplum [illegible]

[illegible] [illegible] sunt [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sunt [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] ominionis sunt illa [illegible]
[illegible] veluti [illegible]
[illegible] verbis [illegible]
[illegible]
[illegible] oppinione [illegible]
occupassent [illegible]
[illegible] et [illegible] ex [illegible]
[illegible] et [illegible]. [illegible] est [illegible]
[illegible] Salutio [illegible] salio [illegible]
[illegible] opinione [illegible]
et illud [illegible] contrarias
[illegible]
[illegible] opinione.
[illegible] nominionis sunt [illegible]
[illegible]
[illegible] sicut antea [illegible]
Possibile [illegible]
[illegible] et [illegible] possessionem [illegible]

in potestate, nisi non, [illegible] et invenitur, [illegible]
et considerantur [illegible] dicimus. [illegible]
in [illegible] eius [illegible] [illegible]
[illegible]
[illegible] animo [illegible] et [illegible]
[illegible] animo [illegible] [illegible] nec est [illegible]
[illegible] animo et corpore [illegible] et [illegible]
[illegible] est [illegible]
[illegible] et [illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible]
[illegible] aut [illegible]
[illegible]
[illegible] et [illegible]
[illegible] aut [illegible]

[illegible]
Iudicia uero aut [illegible] [illegible]: utriq; et [illegible]
[illegible] [illegible] [illegible] et [illegible]: [illegible]
Animat[illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] olim [illegible] [illegible] actiones [illegible] [illegible]
et solemnitatis [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] cessanti [illegible] solemnitate [illegible] [illegible]
[illegible] forma [illegible] [illegible]. Ex [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ex [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ex [illegible]
Et [illegible] [illegible] actione [illegible] [illegible] [illegible]
[illegible] et [illegible] est [illegible] [illegible] [illegible] actiones
falsae et [illegible]: [illegible] et [illegible] [illegible]
indicat [illegible] [illegible] actio [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] fiat et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

Tit. XVI.

[illegible] [illegible] actionum [illegible] [illegible] actionum [illegible]
[illegible] utriq; [illegible] non [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] calumniae, et [illegible] [illegible]
[illegible]

[illegible] omnino obstat, et in experientia patet quam maxime calumnianter litigatores iurino de veritate eorum [illegible] quam sit, qui vel agunt vel defendunt sincerè [illegible] [illegible] et sanè pitens [illegible] [illegible], quam [illegible] [illegible] [illegible] proponeremus, ne hoc [illegible] [illegible] litigia [illegible], [illegible] [illegible] quae [illegible] veritatem [illegible] iuramento, sub [illegible], et [illegible] [illegible] [illegible] agit [illegible] in hoc [illegible] [illegible] [illegible] litigant qui [illegible] habent, et [illegible] [illegible] sequentur iudicio.

2.ª [illegible] litigantium, quae est iuramentum de calumnia [illegible] [illegible] [illegible] et advocati antequam ad [illegible] et [illegible] admittantur [illegible] praestare [illegible], [illegible] adeo [illegible] est, ut pacto [illegible] non [illegible] l. [illegible] § [illegible] C. de iurisd. [illegible] [illegible] cal.: hoc autem iuramentum continet principaliter [illegible]

1.^m quod actor iurat se non animo calumniandi movere litem, [illegible] [illegible] iustam litem movere et [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] habere, idem intelligendum de advocatis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

vi ut: ff et C. de vi inergim sit: cu' plus sit . a tenebris in [illegible]

ut [illegible] q^a nullu' habbet actione' [illegible] tandem l. is nulla ff

de [illegible] sicut contingit in nobile [illegible] officii [illegible]

ff. ex [illegible] C. de [illegible] et in Advocatis et medicis seu

[illegible] salario habent in locatione officii [illegible] nobile

cu' [illegible] professores ob excellentia' professionis n'

habeant actione' locati sicut alij l. 1. [illegible] ff. de var. et

extraord. cognit.

[illegible] officii [illegible] actioni [illegible] et

[illegible] appellat. [illegible] in actionib. [illegible]

[illegible] aut [illegible] [illegible] officii [illegible]

ma' actionis [illegible] [illegible] eius [illegible] officii [illegible]

[illegible] l. [illegible] fit [illegible] in [illegible]

Hoc [illegible] officii [illegible] [illegible] [illegible] et C. [illegible]

[illegible] [illegible] et alia [illegible] ante litis contestata' fieri

debent de C. [illegible] [illegible] [illegible]

[illegible] et omnia alia [illegible] litis contestatione'

[illegible]

tria, et est causa mini ad sententiam definitivam
eminarum, et his tamen omnibus dictum, hoc titulo ad
agit, in causa & officio iudicis, sententia ferendo
in primis autem resulta generalem quaestio, 2ª qualis
qualis sit officium iudicis in actione reali; 3º qualis
sit in actione reali et in actione ad exhibendum, et
tertio qualis sit in actionibus mixtis, unde hoc titulo
...., cuius est diuidi, in divisione; 3ª ...
..., quae ibi ad exhibendum, 6ª et ultima ibi familiae
[illegible] 1ª Regula est, ut iudex nobis indicium, et
.... et ....
.... ratio est .. consuetudines ....
.........., et omnes ....
...., ... singularis .....
...., ...
..... est ... .
....
.. .., et .. ..
(......)

quoniam, ut diximus supra in n.° de alteratione. —
ex parte delicti nascuntur hujus exempla.

Quod si 2.ª judicis partes in morali sint, sunt invitare dominum servi, qui dixerat omnino ad eam absolute ut illum noster dederat, sed absolutius, unde
Domini estimatione pendet, aut illum non [illegible]
in quo declarat est et [illegible] de moralibus actionibus.

Quod in 3.ª judicis officium in actionibus realibus est absolvere dominum absolvit Reum, et si nihil esse prohibuit illos vero [illegible] convenerunt Reum, ut
elicitat rem simul ad fructus.

Accipitur ut satis communiter habendum est, distinguendum inter bona fidei et malae fidei possessorem, ut [illegible]
de [illegible] [illegible]

Hoc est ignorandum, quod si Reus petat tempus intra quod ad
condictionem [illegible] ut si per [illegible]
[illegible] tempus ut [illegible] [illegible]
Judicis, qui pro [illegible] [illegible] [illegible]
dilatio.

s latione mutat Reus [illegible] ex: [illegible] dar. Salic. [illegible]
et omnino tenet [illegible] i actione singulari [illegible]
adiudicatione [illegible] et [illegible] qualis est petitio hereditatis
et [illegible] n. [illegible]

[illegible] actione ad exhibendum [illegible] personalis [illegible] et al-
[illegible] praeparatoria ad aliam actionem [illegible] causa
[illegible] [illegible] incumbit ut conveniat [illegible]
[illegible] et ostendenda [illegible] ei qui [illegible] causam habet
[illegible] exhibitionem [illegible] et n [illegible] Possessor
[illegible] tantum rem [illegible] et [illegible] causam exhibeat [illegible]
[illegible] et [illegible] omnis [illegible]
et [illegible] causa [illegible] deterior sit causa actoris [illegible]
n [illegible] ut [illegible] exhibita

[illegible] ideo [illegible] duo consultus [illegible] definiret et
[illegible] et interim [illegible] hac mora [illegible]
[illegible] [illegible] ut [illegible] citatio [illegible]
[illegible] [illegible] [illegible] in lite [illegible]
[illegible] [illegible] [illegible] [illegible]
ordinandus est [illegible] tempus [illegible]

[illegible]

inspiciendum quod nondum erat [illegible] usucapio, et [illegible]

[illegible] [illegible] est.

[illegible] et [illegible] [illegible] inter [illegible] contestata et [illegible]

actionem habere [illegible] [illegible] [illegible] [illegible] communem [illegible]

[illegible] [illegible] [illegible] contestata quaelibet [illegible] [illegible] [illegible]

mala [illegible] possessor, et sic [illegible] de omnibus fructibus [illegible]

[illegible] et qui [illegible] [illegible] [illegible] ad hoc [illegible]

[illegible] est [illegible] ista actio [illegible] habet [illegible] [illegible] [illegible]

[illegible] [illegible] ille [illegible] [illegible] exhibere aliquid [illegible] [illegible]

[illegible] [illegible] [illegible] exhibendum.

[illegible] [illegible] et [illegible] [illegible] ostendit [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] actionibus mixtis, quales sunt familiae erciscundae

[illegible] dividundo et [illegible]:

[illegible] [illegible] familiae erciscundae [illegible] [illegible] [illegible]

familias [illegible] hoc [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] et [illegible] [illegible] [illegible] erciscundae, [illegible] [illegible]

[illegible]

fratres dividendae hereditatis pro arbitrio [illegible] notis, et
[illegible] et si nulla sit bona [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ex quo dividat singulas res singulis
heredibus adiudicando et [illegible] [illegible] [illegible] divisione [illegible]
[illegible] iudici [illegible] illa [illegible] ex [illegible] [illegible]
adiudicari [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et si unus ex heredibus [illegible] hereditarios [illegible]
[illegible] [illegible] [illegible] [illegible] aut consumpserit omnia
[illegible] [illegible] familiae erciscundae [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] si [illegible]
hereditaria [illegible] [illegible] [illegible] [illegible] aliud [illegible]
ex causis ordinariis § [illegible] [illegible] et hoc [illegible]
[illegible] hereditate dividunda [illegible] [illegible] hereditarii [illegible]
[illegible] § [illegible] [illegible]
eundo [illegible] actione [illegible] [illegible] pro divisione [illegible] [illegible]
competit illis qui [illegible] [illegible] ex causa [illegible]
[illegible] causas [illegible] [illegible] [illegible] [illegible]
mittunt [illegible] divisionem [illegible] [illegible] [illegible]
[illegible] et [illegible] adiudicari [illegible] [illegible] [illegible]

nis [illegible] convenniant, si hac [illegible] actione [illegible]

[illegible] commissa et [illegible] [illegible] ratio [illegible] in

actionis fam: [illegible] [illegible] [illegible] [illegible]

Tertio si actione finem [illegible]; [illegible] [illegible] et [illegible]

[illegible] [illegible] antiquus [illegible] [illegible], et fama

finis [illegible] determinant, et certas [illegible], [illegible]

[illegible]! si [illegible] [illegible] [illegible], ut si amore et [illegible]

[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible], sine [illegible]

[illegible] ex [illegible] alterius [illegible] [illegible] cum [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

est [illegible] [illegible] Et si aliquis [illegible] [illegible] [illegible], et

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

De omni [illegible] [illegible] et criminalem [illegible] auree

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] et corporaliter extra ordinem [illegible] [illegible]

[illegible] [illegible] accusat [illegible] si [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Omnis [illegible] [illegible] [illegible] [illegible]

Contumaciæ, propter nomine quicunque hoc modo condemnatur, itaut si iubente Judice mitteret quis ad se pro eo, ubi: citatus ut ipsi mittantur ut terminum, condemnari debet, in eo, quod alteri creditur iuxta eius mensuram in libro Divi: cum Gl. huius tit. non est tamen ignorandum quod 30 annorum præscriptione annuntiis dies, et prætio simul singulorum omnino exactæ ipsi sed.

Julius

De publicis Iudiciis

Titt. XVIII.

Civilib. et privatis Iudiciis idest actionib. hactenus expositis ad publicorum iudiciorum, hoc est accusationum tractatum progrediendum est, et concurr. f. de pub. iud.

Dividitur iste tit. in 4or partes, in pa. ponit dffa publicorum et privatorum iudiciorum. in 2a. horum definitio. in 3a. divisio. in 4a. partes sive species 2a. lib. pub.a auct. iura 3a. ...

publicorum 4a. lib. pub.a auct. iudicia.

Quod ad pam. privatorum, et publicorum iudiciorum dffa in tribus consistit, in instituendo, in ordinando, et in terminando. In instituendo,

q. in privatis subscriptio actoris non requirit. in publicis vero accusator se subscribit, subscriptio aut. ... aliorum idest ... similitudinem, ... instituto accusare ...

petitionum ... crimen ... et ...

2o. Quia in privatis iurator de calumnia in publicis ...

... mortem consequi ...

...

In ... Terminando ...

exhibere, in publicis non aliud accusatori, sed et reo incumbit qui causam, l. de crimine, l. ubi falsi, l. ad legem Corneliam ...
criminis ... et ... esse, ... publicis ...
... et ... questionem ... triennio, ...
... l. ... de iudiciis. ...
... condemnatus ... non efficitur infamis ...
... damnatus ... infamia, l. infamem ...
... probationes ... ad ... se ... litigant. ...
... continent, ... libellos, ...
... accusari. Auth. ... de litis contestatione, ...
... deinde probationes ... sententia, admittit appellationem
l. ... et ... maiori ... l. de appellat.

Quod ... aut... iudicia ... alia lege
definita ... et ... accusatio criminis ex populo ...
... et hinc ... appellatione vel ... Rem. ... criminis ...
Animadverti autem est ... accusationem ...
... duplicem ... ab accusando ...
... et ... in opposito ... ...
delictorum accusatio marito ... et ... ...
... lege Iul. de adult. et l. Corn. ... l. Corn. de falso.
... personam ... accusari ...

sus non competit, et sane accusare prohibentur, alii propter aetatem,
ut pupilli, alii propter sexum ut mulieres, alii propter sanguinem [illegible]
[illegible] aliqui ob munus publ. ut magistratus, non nulli ob
delictum ut infames, quidam propter [illegible] ut servi, alii ob paupertatem,
tatem, ut qui minus, quam 50. aureos in bonis habent, qui tamen
de consuetudine ab accusando non repelluntur, si bonae et honestae
vitae et famae sint. Praeterea [illegible] digni ut [illegible] Clar. lib.
5 [illegible] 9. [illegible] Alii demum ob suspicionem calumniae, de
ut [illegible] qui subornati falsum testimonium dixerunt, item hi,
qui nummos accusandi vel non accusandi acceperunt.
qui accusare [illegible] cum [illegible] et [illegible] qui iud. [illegible] de accu-
sation: Regulariter tamen omnes si suam suorumque iniuriam per-
sequuntur mortemve [illegible] [illegible] velint, ab accu-
satione non excluduntur. [illegible] ff. de accusat.
[illegible] prohibentur [illegible] crimini [illegible]
[illegible] qui accusare non possunt.
[illegible] divisio publicorum iudiciorum [illegible] alia [illegible]
alia [illegible] capitalia. Capitalia sunt [illegible] exilio, vel
metallo vel [illegible] [illegible] [illegible]

ex quib. infamia, aut in corpus aliqua coërcitio & relegatio
irroga est. Extremo ex omni iud. pub. sive capitali sive non ca-
pitali condemnatus afficitur infamia l. infame h. tit. l. 1. ff. de his
qui notantur infamia

Crimen leg. maiestatis § pub. autem iudicia

Quorum 4.o pub. iudiciorum species plures sunt. pr. autem obtinet
nomen leg. maiestatis tanquam maximum gravissimum, et criminum
[illegible] maiestas [illegible] maior status maiorumque
dictum nihil aliud est quam magnitudo [illegible] [illegible]
[illegible] et illi [illegible] crimen leg. maiestatis [illegible]
[illegible] animo contra Imp. et Remp. quibuscumque modis aliquid [illegible]
ut [illegible] [illegible] [illegible] [illegible] [illegible]

Iul. maiestatis.

[illegible] [illegible] [illegible] [illegible] memoria [illegible] [illegible] damnatur
et bonis [illegible] publicatis olim [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] infamia [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] filii [illegible] crudelis [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et omnium [illegible] [illegible]
[illegible] [illegible] [illegible] ut caritas liberorum [illegible] [illegible]
[illegible] [illegible] [illegible] maiestatis crimen [illegible] [illegible]
[illegible]

immediate in Deum aliosque maxime commissa, ut sunt blasphemiae capitaliter, vel praecisione linguae, aliave poena arbitraria in qua ... et [illegible] delicti, aliisque circumstantiis puniuntur. § fin. Auth. ut non luxurientur contra naturam Bart. [illegible] 301 n. 4 Bonif. de [illegible] blasph. n. 24. item periuria, magiae, et incantationes noxiae, haereses et similia de quibus hic non agitur.

Adulterium quod Lex Julia de Adulteriis

[illegible] in multis iudiciis locus datur adulterio, et quidem scelus grave est, et detestabile et in primis societati humanae exitiosum [illegible] personis [illegible] [illegible] affinium [illegible] [illegible] gravior [illegible] materia ubi Baldus et alii [illegible] 2. [illegible] [illegible] lex Julia [illegible] [illegible] [illegible] aut adulterium violatio thori alieni [illegible] non vocabitur [illegible] 5 § 6. l. lex illa 36. [illegible] et nomen [illegible] et [illegible] et [illegible] Cains [illegible] ad alterius [illegible] tam viri, quam feminae et [illegible] modis committitur [illegible] servi [illegible] coniugatum et feminam nuptam, quo casu duplex adulterium dicitur [illegible] et [illegible] et alienum thorum [illegible] [illegible] 2. inter virum solutum, et mulierem coniugatam, et [illegible] [illegible] adulterium, [illegible] viro qui violat alienum thorum [illegible] [illegible] muliere, [illegible] violat [illegible] thorum 3. inter virum coniugatum

et [illegible]

et mulierem [illegible] maxime [illegible] Canones c. [illegible] 32 q.
[illegible] praecepit [illegible] et leg.
[illegible] licet hoc casu [illegible] [illegible] ratio propter quod praecipue fuit [illegible]; nimirum ne confu
sio familiae, et [illegible] incerta soboles, ac innocentes mariti
[illegible] inimicissimorum filios pro suis alere [illegible] [illegible]
[illegible] quae sane adulterii est poena [illegible] Iulia [illegible]
[illegible] [illegible] Iulia de adult. [illegible] et [illegible] Divina consti
tuendum est Deuteronomio 22 [illegible] [illegible] in [illegible]
[illegible] [illegible] Auth. in minorem commutata est propter [illegible]
[illegible] [illegible] [illegible] et inde in monasterium [illegible]
ut ibi [illegible] [illegible] [illegible] nisi maritus velit eam [illegible]
[illegible] Auth. sed hodie [illegible] Iulia de adult. [illegible]
[illegible] hodie in [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] sunt introducta [illegible]
et merito [illegible] [illegible] [illegible] [illegible] [illegible]
ubi haec [illegible] [illegible] maxime [illegible] [illegible]
in [illegible] [illegible] [illegible] omnia [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
uxores adulterae sunt accusationem [illegible] [illegible]

ut in eiusdem infamia ita intelligitur prava consuetudine vive-
vant quam quippe eos fuit semper in delictis, quod Princeps huius temporis
qui hoc gravissimum crimen severissimis legibus non coercet illos
et qui non faciunt gravissime peccant et in mundo meo iste est
unus ex casibus in quibus [illegible] Regnum indiget reformatio-
ne de lege de adulterio.

Tunc de stupro, quod quidem adulterium similitudinem et eandem poenam in-
colunt, committitur autem in virginem, vel in viduam honeste viven-
tem et in primo hoc ultimo casu poena mortis punitur, alias ale-
uno distinguitur, nam si stupratores sint honestae, vel nobiles a
persone dimidia parte bonorum mulctantur, si humiles cor-
pore puniuntur, et relegantur d. § item lex Julia, et iure divino
et Canonico stuprator tenetur corruptam virginem, et ducere in ux-
orem vel dotare docetur ex eod. c. 22. c. 1 et 2. ut [illegible] alter
extra de adulterijs, et hoc intelligitur, quod sine in stupro sit
[illegible] ut virgines, vel viduae quae in opinione, quae est ultimum
[illegible] Jul. d. § item lex Julia, et Dom. [illegible]
in [illegible] criminalium c. 44. n. 5.

Homicidium quid lex Cornelia, et de Sicariis

Sicarius

Quaeritur 1° an inter delicta sedens homicidium nil est quod grave et atrox delictum considerandum est eo quia sanguinem humanum effundit et terras inficit et Regna iniuste deturbat, imo et terra ipsa sanguinem non bibit nisi homicidae ex missis sanguinem lex divina dicit 25

et sanguis homicidium ab homine caedendo dictum est, quasi hominis caedes et ad utrumque sexum pertinet l. hominis ff. de verb. signif. ex effusione a Bald. § 1 qui actione § 10 f. vel typicia, et est unius hominis persona examinatio violenter facta qua anima a corpore eiectatur, idem Can. dividunt in spirituale et corporale, ut in casis in Rub. de homicid. n° 2° spirituale est illud quod spiritualiter et mala factione divinis committitur, homicidae n. necessario tractatis fratrum et odientes eos, in iniquitate gravissime et iniustitia facientes in patria sua multa incidentes homicidia ut in que seq. de reg. dist. 1ª corporale aut voluntarium, aut causale voluntarium, casu vel causale aut aliquo inopinato, quae mala intentione admittitur vel non extra de homicid. voluntar. et casual. Voluntarium vero aut plene voluntarium est, ut doloso, aut casu, ad quod refellendi necessarium requisitorem interfectori consultum, aut interfecto alias alibi divisionis, et species de homicid.

in [illegible] non [illegible], sed [illegible] in eo pacto de homicidio volun-
tario [illegible] malum expertus, [illegible] Can: de sicariis [illegible]
Cor: Sulla dictator [illegible], uniq: pena mortis, vel venis sive ve-
neno aut [illegible] maleficio commiserit, immo [illegible] qui hoc [illegible]
[illegible], sed et qui hoc [illegible] causa cum telo ambulabat, et [illegible]
malas medicamenta [illegible] [illegible] [illegible] [illegible]
[illegible] et 3a [illegible] Can: de sicariis.

Parricidii poena deinde alia lex

[illegible] Iuriis [illegible] carnalis [illegible] [illegible] maximi
[illegible] [illegible] Parentum [illegible] inter se se [illegible] [illegible]
et [illegible] [illegible] conciliat [illegible] [illegible] [illegible]
[illegible] humanae [illegible] et [illegible] [illegible] immanitate
[illegible] [illegible] est [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] lex Pompeia de Parricidiis [illegible]
Pompeius ille [illegible] Consul tulit nova [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] vel [illegible] cum [illegible] [illegible] [illegible] [illegible]
[illegible] in mare, vel flumine, [illegible] [illegible]
[illegible] qui [illegible] [illegible], vel [illegible] [illegible]

Avia, nec non alios superiores, [illegible] occiderit, [illegible] appellatione [illegible]
[illegible] et qui inspiraverint [illegible] [illegible] dari non potuit, [illegible] is quoque
qui et dolo in factum venit, vel conscius criminis [illegible] [illegible]
Extraneus. [illegible]: Tamen si occiderit filium [illegible] [illegible]
[illegible] in [illegible], quae [illegible] [illegible] [illegible]
continentur, si omnis [illegible] [illegible] sanguine, vel affinitate
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
De his, qui [illegible] occiderint.

[illegible] autem [illegible] hanc [illegible] [illegible] [illegible]. [illegible]
[illegible] [illegible] est [illegible] [illegible] natura [illegible] et [illegible]
[illegible] [illegible] et [illegible], ut [illegible] [illegible] [illegible] [illegible]
momenta [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible]
contra natura [illegible] [illegible] ut [illegible] [illegible] [illegible]
interminationem [illegible] [illegible] [illegible] sunt [illegible] [illegible]
[illegible] supplicio [illegible] [illegible], [illegible] [illegible] [illegible] [illegible]
[illegible] matris [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
X: C. [illegible] [illegible] [illegible] [illegible] [illegible] significat, [illegible] [illegible]
[illegible] [illegible] [illegible] honore [illegible] timore [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Denique Simia quae adinventa ē, sive n. unus hominis imitans, ro
in die [illegible] lecta testa + in demonstratis parricid[illegible] hoc fuisse,
cum eius filia, qui humanam figuram habente, quaerens inde
gratia tamen barbara natura [illegible] senilitate i sua
desijt, et cumdem [illegible] loci, et [illegible] consuetudine uel studio
tenuntur, [illegible] fluvio [illegible] et [illegible], uel in [illegible]
[illegible] alterat in [illegible] locum [illegible]
et [illegible] quod [illegible] arbitrio [illegible] Bal[illegible] ele
[illegible] de iis, qui [illegible] occiderunt [illegible]
sententiam [illegible] n.° 5.

Crimen falsi [illegible] ex Corn: de falsis

[illegible] crimen falsi [illegible] lex Corn: de falsis [illegible] Corn: [illegible]
[illegible] dictatore [illegible] et [illegible]
maxime fraudes et falsitates committi solent.
[illegible] qui falsum testamentum uel aliud instrumentum [illegible]
[illegible] signauerit, [illegible] uel nummi adulterini
[illegible] item qui falsa testimonia dixerit uel [illegible]
[illegible] acceperit, ut aut testimonium [illegible] diceret, uel [illegible]

[illegible]

conventis, commorandis, cumulabit.

Publicatio falsi nominis, vel cognominis assumptis quo aliqui [illegible] appellet vel [illegible] [illegible] aut publice falso [illegible] et [illegible] malo [illegible] ad decipiendum et fraudandum alium [illegible] ut [illegible] bonis [illegible] de falsis et malis [illegible] alium [illegible] [illegible] huius criminis [illegible] est [illegible] publicum, [illegible] bonorum deportatio et omnium bonorum publicatio [illegible] de falsis [illegible]

[illegible] [illegible] morte [illegible] [illegible] manus amputatione [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] impuberis [illegible] [illegible] [illegible] falso [illegible] [illegible] [illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

alia aliis graviora [illegible] [illegible] et [illegible] [illegible]

[illegible] dub. [illegible] similitudine:

[illegible] is Iulia ex[illegible] [illegible] ea [illegible] de [illegible].

Contra [illegible] [illegible] [illegible] ultra [illegible] [illegible] [illegible]

[illegible] armis [illegible] [illegible] sine armis [illegible]: l. Iulia [illegible]

Iulio Caesare lata [illegible] quam [illegible] [illegible] [illegible]

[illegible] est [illegible] [illegible] [illegible] [illegible] ut [illegible] [illegible]

[illegible] et [illegible] expilatoribus aliarum [illegible] [illegible] [illegible] et

[illegible] ex tumultu ex violentia [illegible] [illegible] est [illegible]

[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] annos et [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] ut [illegible] [illegible] [illegible]

Sanè [illegible] [illegible]: hodiè [illegible] arbitraria, [illegible] [illegible] [illegible] [illegible]

[illegible] et [illegible]: [illegible] morte [illegible] [illegible] ut [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] armis [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de causa

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] casu [illegible]

[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

ideo non est iuramentum. Si licet [illegible] civili matrimonium
cum secunda muliere contrahere requirat [illegible] unica [illegible]
[illegible] eorum modo [illegible] a [illegible] communione
[illegible] exercitum [illegible] et [illegible] ius canonicum similiter
[illegible] dissimulandum est [illegible] non est cum conveniat [illegible]
usum matrimonij [illegible], quo casu [illegible]
[illegible] vulgariter dictum, quod leges civiles non dedignantur [illegible]
sacros canones [illegible]

Crimen saeculare [illegible] saeculare.

Septimo loco commemorantur publicis [illegible] crimen saeculare
[illegible] a iudicio [illegible]
[illegible], est autem saeculare [illegible]
[illegible], et [illegible] ab eo [illegible]
[illegible] iudicio [illegible]
[illegible] eius fuerit [illegible]
[illegible], [illegible]
[illegible] omnib. [illegible]
[illegible] et si [illegible]
[illegible] commiss. [illegible]
[illegible] crimen [illegible] est, [illegible]

[illegible] et [illegible] et [illegible] communi [illegible]
[illegible] tot saeculares [illegible] et [illegible] secun-
dum [illegible] statuit nimirum in sacrilegio capitale, et
nisi sacrilegi [illegible] malitiae delicti, vel ad [illegible] damnandi, vel
[illegible] vel pretio [illegible] vel perpetuo exilio [illegible]
[illegible] sacrilegii [illegible] lege [illegible]
in saeculari [illegible]

Sacrilegi autem sunt [illegible] qui [illegible] administrationis [illegible]
[illegible] et [illegible] vel
subtractos [illegible] ultimo supplicio [illegible]
[illegible] crim. [illegible]

Plagium quid est, et inter [illegible]

Plagium [illegible] crimen descendit ex Flavia seu Fabia [illegible]
[illegible] contrahit, et qui [illegible] dolo malo [illegible]
[illegible] emerit, vendiderit, [illegible]
[illegible] alienum, alienis [illegible]
[illegible] crimen [illegible] a furto [illegible]
[illegible] et [illegible] alienum [illegible]
[illegible]

et servus

uel aere alieno [illegible] intricauerint, poena pecuniaria [illegible]
aliquo grauiori pro delicti modo [illegible] metalli [illegible]
[illegible] monia et [illegible]

Sequuntur [illegible]

Iudicia publica exposita sunt [illegible] iudicia [illegible] maioris et [illegible]
[illegible] quae [illegible] ita [illegible] commendauimus [illegible]
Lex Iulia de ambitu, Lex Iulia [illegible], Lex Iulia
de annona, Lex Iulia de [illegible] [illegible] uidebimus.

Lex Iulia de ambitu

Ambitus dicitur ab ambitione. [illegible] criminis appella-
tio, ambitio uero cupiditatis, [illegible]
candidati ad honores et magistratus aspirantes [illegible]
[illegible] et ambire [illegible] singulos ex populo solent
[illegible] leges [illegible] ambitu [illegible] sunt [illegible]
[illegible] emineat lex Iulia ab Augusto [illegible]
[illegible] pecuniam et [illegible] magistratus [illegible]
[illegible] ambiunt atque [illegible]
[illegible] Simoniam appellant a Simone mago [illegible]
[illegible] gratiam [illegible]
[illegible] criminis [illegible]
[illegible] Regnis [illegible]

principis imaginem [illegible] [illegible] [illegible]

[illegible] [illegible], et [illegible] [illegible] [illegible] magistratus

esse [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]:

[illegible] is, qui nomen [illegible] constituerit ex S. C. de [illegible]

legis Juliae [illegible] [illegible] ambabus legib. [illegible] unica § [illegible]

[illegible] eos [illegible] [illegible] [illegible] [illegible], [illegible] qui nova [illegible] con:

[illegible] [illegible] [illegible] [illegible], atque [illegible] [illegible] [illegible] [illegible],

[illegible] in [illegible] criminum lib. [illegible] 23 n°5

[illegible] qui eius, vel accusator domo [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] ambitus [illegible] [illegible] unica § [illegible] [illegible]:

ambitus [illegible] [illegible] qui magistratus, vel officia [illegible] [illegible]

[illegible] [illegible] [illegible]

Poena huius criminis est multa .00 aureorum [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]

[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] extendi [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

Lex Julia [illegible]

[illegible] [illegible] [illegible] C. Jul. Caesar [illegible] consulatum [illegible] [illegible] [illegible]

[illegible] [illegible] administratione [illegible] [illegible] consilium [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] et magistratus [illegible] [illegible] [illegible]

cialt non

... in dirimendo ... conditione et bonam ... feud. [illegible]
[illegible] ... eius in ... [illegible]
[illegible] feud. [illegible] ... et ... [illegible]
... [illegible] feud. ... [illegible]
... [illegible] ... illos ... consilio ... [illegible]
... [illegible] ... et ... [illegible]
... modo ... [illegible]
[illegible]

[illegible] ... modo ... est, ut ... [illegible]
... modo ... ut ... [illegible]
... modo ... [illegible]
maxime ... [illegible]
[illegible] ... [illegible]
[illegible]

[illegible] ... [illegible]
... [illegible]
... et ex ... [illegible]
... [illegible]
[illegible]
[illegible]

Lex Julia de Annona

[illegible] Poena mixta est de l. Jul. de Annona, quae lege [illegible] qui annonam [illegible] fraudaverit, et [illegible], et quo minus dolo malo [illegible] et minus alimenta annonae [illegible] carior fiat, et [illegible] annonae [illegible] [illegible] l. Jul. de Annona.

Annonae autem appellatione veniunt omnia, quae ad victum hominum [illegible] et [illegible] sunt, et similia [illegible] annonae [illegible] [illegible] aliud [illegible] Decian. [illegible] tractatu criminali lib. [illegible]

Hanc [illegible] nihil [illegible] [illegible] fraudes in annona [illegible] [illegible] accusari [illegible] mulieres et [illegible] [illegible] accusandi [illegible] et [illegible] mulierem [illegible] accusare. [illegible] [illegible] maior [illegible] [illegible] annona [illegible] examinand. [illegible]

Lex Julia de Residuis

[illegible] lex Julia de Residuis, [illegible] [illegible] claudit; residuorum crimen [illegible] [illegible] publicam [illegible] aliquem usum [illegible] [illegible] ipsis [illegible] ex [illegible] et [illegible] [illegible]

da est, data videtur, ut iure [illegible] [illegible] [illegible] [illegible]
[illegible], ex [illegible] [illegible]: ex [illegible] [illegible];

Hec [illegible] Deus [illegible] dominatur et [illegible] omnium et [illegible] in
[illegible] [illegible] [illegible] [illegible] [illegible], et [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible], ut hec [illegible] iustitia [illegible] [illegible] omnium [illegible] et [illegible]
ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
mentis [illegible] erat [illegible] [illegible] [illegible] [illegible]
[illegible] iustitie, et [illegible] [illegible] et [illegible] omnium [illegible]
ex [illegible] [illegible] est ex [illegible] et [illegible]

Instrumenti finis

[illegible]
45:18
2·17
[illegible]
5·10
[illegible]
[illegible]
[illegible]
[illegible]

1/5
4½
3
3/16
2
8

15

2/183

dicitur totius iuris. In 1.º autem libro agit de iure quod competit personis aliarum personas et Dominium in ipsas et de modis quibus talle ius acquiritur. in ceteris vero libris agit de iure et Dominio rerum, ut inde melius infra explicabitur.

6. Sed non omnia de quibus agit in ipsis Institutionibus explicabimus sed tantum potiora quae scilicet sunt magis necessaria et digna scitu. Pluribus enim locis inseremus aliqua quae spectant ad forum conscientiae sive internum maxime ubi a sacris canonibus corrigitur ius civile.

7.º Quod huiusmodi leges imperatoriae non observantur nec habent locum ubique in Europa, nam sunt plures regiones ut Hispania, Gallia, Anglia etc. [illegible]